

Appendix S Responses to Comments on the Recirculated Draft EIR/ Supplemental Draft EIS

This appendix contains the comments received on the Recirculated Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) for the proposed Mid County Parkway (MCP) Project and the responses to those comments as follows.

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ATTACHMENT A: List of Parties Who Sent the “Reject the Mid County Parkway”
Email

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Appendix S Responses to Comments

S.1 Introduction

The Recirculated Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) for the proposed Mid County Parkway (MCP) project was circulated for public review from January 25, 2013, to April 10, 2013. The Recirculated Draft EIR/Supplemental Draft EIS was distributed to the agencies listed in Chapter 7, Distribution List, starting on page 7-1 in the Final EIR/EIS. Chapter 7 also lists organizations, interested parties, and members of the general public who received the Notice of Availability for the Recirculated Draft EIR/Supplemental Draft EIS.

Comments received during the public circulation period included letters, emails, comments received through the Riverside County Transportation Commission (RCTC) project website, and written comment cards and oral comments from the public hearing. Copies of all the written comments and the verbal comments provided to the court reporter at the February 20, 2013, public hearing are included in this appendix.

Refer to Chapter 5, Comments and Coordination, in the Final EIR/EIS for additional discussion of the public review period for the Recirculated Draft EIR/Supplemental Draft EIS.

S.2 February 20, 2013, Public Hearing

A public hearing was held on February 20, 2013, to allow the public an opportunity to provide oral and written comments on the Recirculated Draft EIR/Supplemental Draft EIS and the proposed project. Responses to comments received during that public hearing are provided in this appendix. Refer also to Chapter 5, Comments and Coordination, in the Final EIR/EIS for discussion of the February 20, 2013, public hearing.

S.3 Format of Responses to Comments

All the written comments received during, or shortly after the close of, the public review period and verbal comments provided to the court reporter at the February 20, 2013, public hearing are included in this appendix. Substantive environmental issues raised within each comment letter are numbered along the right-hand margin of each

letter or comment in the transcript. The responses to comments in each comment letter are referenced by the index numbers in the margins of the letters.

The format of the responses to comments is based on a unique letter and number code for each comment. The number at the end of the code refers to a specific comment within the individual letter. Therefore, each individual comment has a unique code assignment. For example, S-1-1 is the first substantive comment in letter S-1. “S” represents a comment letter from a state agency, “1” refers to the first letter from a state agency, and the second “1” refers to the first substantive comment in that letter. The alphabetic codes used in this appendix are:

- “F” for federal agencies;
- “S” for state agencies;
- “R” for regional, county, and city agencies;
- “TG” for Tribal Governments;
- “SDU” for special districts and utilities;
- “IP” for interested parties;
- “P” for comments from the general public;
- “T” comments provided to the court reporter at the February 20, 2013, public hearing (transcript); and
- “C” for comment cards received during the February 20, 2013, public hearing.

S.4 Index of Comments Received

Table S.4.1 lists the agencies, organizations, and persons who commented on the Recirculated Draft EIR/Supplemental Draft EIS during, or shortly after the close of, the public comment period. The individual comment letters and comment cards are listed within each category (agencies, interested parties, etc.) by the date they were received. The comment letters are provided in this appendix followed by responses to the substantive comments in each comment letter.

Table S.4.1 Summary of Comments Received On the Recirculated Draft EIR/Supplemental Draft EIS During, or Shortly After the Close of, the Public Circulation Period on April 10, 2013

Letter Number	Agency/Commenter Name
Federal Agencies	
F-1	Federal Emergency Management Agency
F-2	United States Department of the Interior, Department of the Secretary
F-3	United States Environmental Protection Agency
F-4	United States Army Corps of Engineers
F-5	United States Fish and Wildlife Service

Table S.4.1 Summary of Comments Received On the Recirculated Draft EIR/Supplemental Draft EIS During, or Shortly After the Close of, the Public Circulation Period on April 10, 2013

Letter Number	Agency/Commenter Name
State Agencies	
S-1	Department of Toxic Substances Control
S-2	Governor's Office of Planning and Research
S-3	California Transportation Commission
S-4	Department of Water Resources
S-5	Santa Ana Regional Water Quality Control Board
S-6	California Department of Fish and Wildlife
Regional, County, and City Agencies	
R-1	City of Perris
R-2	City of San Jacinto
R-3	City of Riverside
R-4	Riverside County Flood Control and Water Conservation District
R-5	County of Riverside Transportation and Land Management Agency, Transportation Department
Tribal Governments	
TG-1	Pechanga Cultural Resources, Temecula Band of Luiseño Mission Indians
Special Districts and Utilities	
SDU-1	Eastern Municipal Water District
SDU-2	Metropolitan Water District of Southern California
SDU-3	Regional Conservation Authority
SDU-4	South Coast Air Quality Management District
Interested Parties	
IP-1	Endangered Habitats League
IP-2	Sierra Club and Center for Biological Diversity
IP-3	Friends of the San Jacinto Valley
IP-4	Inland Empire Waterkeeper
IP-5	Edward J. Goepfinger, Perris Business Park, LLC, and Redir, LLC
IP-6	Center for Biological Diversity, San Bernardino Valley Audubon Society, and the Sierra Club
IP-7	Optimus Building Corporation
IP-8	Friends of the Northern San Jacinto Valley
IP-9	California Native Plant Society, Riverside/San Bernardino County Chapter
Members of the General Public	
P-1	Tecla Long
P-2	Warren G. Webb
P-3	Cliff Jones
P-4	Stephany Border
P-5	Bill Larkin
P-6	Clinton E. Stoutenburgh
P-7	Linden Gray
P-8	Glenda Love
P-9	Sharon Myers-Durbin
P-10	Favian, Francisco, and Eva Lopez
P-11	Robert S. Hewitt
P-12	Arleen Hertig
P-13	Samir Patel
P-14	Martin and Sonia Franco
P-15	Jim and Jo Pettus

Table S.4.1 Summary of Comments Received On the Recirculated Draft EIR/Supplemental Draft EIS During, or Shortly After the Close of, the Public Circulation Period on April 10, 2013

Letter Number	Agency/Commenter Name
P-16	Samir Patel
P-17	Jolly Shah
P-18	Omar Montti
P-19	Victor and Lindsay Ropac
P-20	Neal De Witt
P-21	Patricia Mayne
P-22	Sam (no last name)
P-23	Sam (no last name)
P-24	Madeline Schleimer
P-25	Brian (no last name)
P-26	Brian (no last name)
P-27	Richard Schmidt
P-28	Jay Jones
P-29	David Smith
P-30	Mel Wagstaff
P-31	Lisa McCollough
P-32	Daniel Charles Thomas
P-33	Lynn Peterson
P-34	Elaine Utterback
P-35	Nathan Westphal
P-36	Lee Dessing
P-37	Trip Hord
P-38	Joyce Schwartz
P-39	Andrea Paris
P-40	Jeffery Thompson
P-41	Multiple Commenters
Transcript from the February 20, 2013, Public Hearing	
T-1	Lindsay Ropac
T-2	Victor Ropac
T-3	Judi Hileman
T-4	Susan Rakes
Comment Cards	
CC-1	Bill Bryant
CC-2	Pam Stull
CC-3	Dan Mudrovich
CC-4	Aurelia Varela
CC-5	Thomas Prill
CC-6	Crystal Yanez
CC-7	Asher Hartel
CC-8	Evita Rodriguez
CC-9	David Clayton
CC-10	Megan Kornacker
CC-11	Kevin Cozad
CC-12	Beverly Castleton
CC-13	Sean Motlagh
CC-14	Rudy Lopez
CC-15	Reverend James Hall
CC-16	Sharitin Bartel

Table S.4.1 Summary of Comments Received On the Recirculated Draft EIR/Supplemental Draft EIS During, or Shortly After the Close of, the Public Circulation Period on April 10, 2013

Letter Number	Agency/Commenter Name
CC-17	Dale Bartel
CC-18	Randy Wastal
CC-19	Michelle Holmes
CC-20	Roger Duerr
CC-21	Jacqueline Wastal
CC-22	Art Marino
CC-23	Barry Mulcock
CC-24	Frank Zaloivar
CC-25	Vicki Merrimon
CC-26	Cathy Remily
CC-27	Melinda Larkin
CC-28	Carla Adame
CC-29	Daniel Toledo
CC-30	Chris Cozad
CC-31	Shailesh Shah
CC-32	Daroy Kulnzi
CC-33	Rick Hoffman
CC-34	Tom Paulek
CC-35	No name given
CC-36	Tom Paulek
CC-37	Susan Nash
CC-38	Angelo Leon
CC-39	Omar Montti
CC-40	James Larkin
CC-41	Matt and Laura Minor
CC-42	Daniel L. Straub, M.D.
CC-43	Nancy Urtado
CC-44	Heidi Bartel
CC-45	Roger Bartel
CC-46	Kristin Bartel
CC-47	Steve Sanford
CC-48	Mark Bartel
CC-49	Martin Ramirez
CC-50	Daniel Goodrich
CC-51	Joseph Gurard
CC-52	Terry White, SR.
CC-53	Peter Edwards

S.5 Master Responses

Where multiple comments raise the same or similar issue or concern, a Master Response was prepared to address the specific issue comprehensively. The responses to those types of individual comments refer the reader to one or more of the Master Responses provided in this section.

The Master Responses are provided in the following subsections:

- **S.5.1:** Master Response Related to the Western Riverside County Multiple Species Habitat Conservation Plan (page S-6)
- **S.5.2:** Master Response Related to the Stephens' Kangaroo Rat (page S-39)
- **S.5.3:** Master Response Related to the San Jacinto River Bridge (page S-44)

S.5.1 Master Response Related to the Western Riverside County Multiple Species Habitat Conservation Plan

A number of comments were received regarding the Western Riverside County Multiple Species Habitat Conservation Plan (Western Riverside County MSHCP), and RCTC's responsibilities and commitments for complying with, and mitigating project effects to plant and animal species covered by, the Western Riverside County MSHCP. This Master Response provides information on the history and requirements of the Western Riverside County MSHCP and RCTC's activities and commitments regarding compliance with the requirements of the Western Riverside County MSHCP for the MCP project. The Western Riverside County MSHCP is the Natural Community Conservation Plan (NCCP) for the western part of Riverside County.

S.5.1.1 History of the Western Riverside County MSHCP

Section 1.2, Background, starting on page 1-1 in the Final EIR/EIS describes the history of the proposed MCP project and its relationship to the Western Riverside County MSHCP. As discussed in that section, the Hemet to Corona/Lake Elsinore (HCLE) Corridor studies conducted for the Community and Environmental Transportation Acceptability Process (CETAP) initiated by RCTC in 1999 identified the need for a west-east intracounty corridor (which was eventually named the MCP project). The HCLE Corridor studies were conducted as part of the Riverside County Integrated Project (RCIP), a multi-year planning effort to address planning, environmental, and transportation issues in Riverside County. The RCIP included three components: (1) a new General Plan for Riverside County, adopted on October 7, 2003; (2) an MSHCP for western Riverside County, adopted June 17, 2003; and (3) the CETAP transportation corridors (including the MCP project), which

also included a north-south intracounty transportation corridor and two intercounty transportation corridors.

The Western Riverside County MSHCP provides a comprehensive, habitat-based approach to the protection of covered species by focusing on conservation and management of lands essential for their long-term conservation. As a regional plan, the Western Riverside County MSHCP serves to provide mitigation for cumulative impacts to covered species and their habitats. The Western Riverside County MSHCP allows Permittees to obtain “take” of plant and animal species covered in the Western Riverside County MSHCP. Regulation of “take” of threatened, endangered, and rare species is authorized by the wildlife agencies (the United States Fish and Wildlife Service [USFWS] and the California Department of Fish and Wildlife [CDFW]) who allow “take authorization” for otherwise lawful actions (e.g., public and private projects) in exchange for the assembly and management of a coordinated reserve (also referred to as a Conservation Area). Project consistency with the Western Riverside County MSHCP ensures that cumulative and indirect impacts to the Western Riverside County MSHCP covered species, their habitats, and other biological resources are effectively mitigated. (Cumulative direct and indirect impacts within the entire Western Riverside County MSHCP Plan area are discussed in Section 4.3 of the Western Riverside County MSHCP and in Section 5.1.1, Biological Resources in the Cumulative Impacts Section, in the Western Riverside County MSHCP Final EIR/EIS.)

The MCP project is identified as a Covered Activity in the Western Riverside County MSHCP as one of the CETAP Corridors. Covered Activities are public and private development uses, and other activities allowed inside and outside Criteria Areas, within Public/Quasi-Public (PQP) Land, and inside the Conservation Area as detailed in Section 7.0, Covered Activities/Allowable Uses, in the Western Riverside County MSHCP. Covered activities are more specifically defined in the Implementing Agreement as certain activities carried out or conducted by Permittees, Participating Special Entities, Third Parties Granted Take Authorization, and others within the Plan Area, and described in Section 7.0 of the Western Riverside County MSHCP, that will receive Take Authorization under the Section 10(a) Permit and the Natural Communities Conservation Plan (NCCP) Permit, provided these activities are otherwise lawful.

Formal Section 7 consultation with the USFWS was required for the MCP project. The Section 7 consultation process addressed effects to least Bell’s vireo (LBV), San Bernardino kangaroo rat (SBKR), California gnatcatcher (CAGN), Stephens’

kangaroo rat (SKR), San Jacinto Valley crowscale, and spreading navarretia. Adverse effects will occur to critical habitat for spreading navarretia and SBKR. The MCP project “may affect, likely to adversely affect” LBV, SBKR, CAGN, SKR, San Jacinto Valley crowscale, and spreading navarretia. The USFWS has indicated in the permit issued for the Western Riverside County MSHCP that, in such cases, no restrictions will be imposed on the project for listed species beyond those specified in the Western Riverside County MSHCP. The Biological Opinion issued by the USFWS pursuant to the Section 7 consultation is provided in Appendix W of this Final EIR/EIS.

The Western Riverside County MSHCP planning analysis included evaluation of planned roads with respect to conservation of biological resources and in the context of the Western Riverside County MSHCP Conservation Area. The MCP project is part of the east-west CETAP Corridor (HCLE Corridor) that was evaluated in the Western Riverside County MSHCP planning. Impacts resulting from this CETAP Corridor to the Criteria Area and PQP Lands were taken into account during the preparation of the Western Riverside County MSHCP. Sections 7.2.2 and 7.3.5 in the Western Riverside County MSHCP provide guidelines for planned roads to ensure those roads are consistent with the Western Riverside County MSHCP conservation objectives. As described later in this Master Response, the MCP project is consistent with the Covered Activities/Planned Roads in Sections 7.2.2 and 7.2.5 in the Western Riverside County MSHCP and is, therefore, considered a Covered Activity not subject to additional land conservation requirements.

The Implementing Agreement is an agreement among state, regional, local, and resources agencies to ensure implementation of the Western Riverside County MSHCP. That agreement includes assurances to Permittees under the agreement that with respect to Covered Species Adequately Conserved, compliance with the terms of the Western Riverside County MSHCP, the Permits, and the Implementing Agreement constitutes compliance with the provisions of the Federal Endangered Species Act, the California Endangered Species Act, and the NCCP Act. Permittees including RCTC have the responsibility to implement and adhere to the provisions of the Western Riverside County MSHCP and the Implementing Agreement. Specifically, RCTC is a signatory to the Implementing Agreement and, under that Agreement, is the Permittee for the proposed MCP project and is responsible for the compliance of that project with the Western Riverside County MSHCP.

Implementation of the Western Riverside County MSHCP is overseen, administered, and enforced by the Western Riverside County Regional Conservation Authority

(RCA). The CDFW and USFWS (the Wildlife Agencies) and RCA staff jointly review proposed projects that are within the Criteria Area and those projects outside the Criteria Area that affect Narrow Endemic Plant Species, species associated with riparian/riverine areas and vernal pools, and species requiring additional surveys needs and procedures to ensure consistency with the Western Riverside County MSHCP.

S.5.1.2 Riverside County Transportation Commission Participation in, and Requirements to Comply with, the Western Riverside County MSHCP

As discussed in the subsection titled “Western Riverside County MSHCP” on page 3.17-27 in the Final EIR/EIS, RCTC is a Permittee to the Western Riverside County MSHCP and is the lead agency on Western Riverside County MSHCP compliance for the MCP project. As a Permittee, RCTC has the responsibility to implement and adhere to the provisions of the Western Riverside County MSHCP and the Implementing Agreement. The obligations of RCTC under the Western Riverside County MSHCP as outlined in Section 13.7 of the Implementing Agreement require RCTC to:

- Adopt and maintain ordinances or resolutions to implement the Permits, Western Riverside County MSHCP, and Implementing Agreement for its Covered Activities. On September 3, 2003, RCTC’s Board acted on the Western Riverside County MSHCP Implementing Agreement, which committed RCTC to implementing the requirements of the Permits, the Western Riverside County MSHCP, and the Implementing Agreement.
- Contribute \$153 million to the RCA toward acquisition of Conservation Land. In 2005 and 2012, RCA and RCTC executed agreements to commit RCTC payments of \$153 million. As of September 1, 2013, RCTC has paid \$132 million of that \$153 million commitment to the RCA.
- Comply with the policies in Sections 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.5.1, 7.5.2, and 7.5.3, and Appendix C in the Western Riverside County MSHCP.

The MCP project is a covered activity under the Western Riverside County MSHCP. As a component of the HCLE Corridor, the potential impacts of covered activities on species protected under the Western Riverside County MSHCP were analyzed in the Western Riverside County MSHCP EIR/EIS (approved June 17, 2003). The Western Riverside County MSHCP is functioning as intended and provides adequate mitigation for direct and cumulative biological impacts to covered species and their habitats within the Plan Area. RCTC’s compliance with the Western Riverside

County MSHCP provisions described above, including the preparation of the project level impact analysis and identification of specific mitigation for the MCP project in the *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* (2014, Consistency Determination) provided in Appendix T in this Final EIR/EIS, and the Implementing Agreement provide adequate mitigation for Western Riverside County MSHCP species impacted by the MCP project. Therefore, the impacts of the MCP project on these species are adequately addressed by demonstrating consistency of the project with the Western Riverside County MSHCP as documented in the Consistency Determination.

S.5.1.3 Overview of the Western Riverside County MSHCP Consistency Determination for the MCP Project

Permittees must demonstrate that their proposed actions are consistent with the Western Riverside County MSHCP and the Implementing Agreement. The Western Riverside County Multiple Species Habitat Conservation Plan Consistency Determination for the preferred alternative (Alternative 9 Modified with the San Jacinto River Bridge Design Variation [SJRBDV]) for the MCP project is summarized in this section and is provided in Appendix T in this Final EIR/EIS. Appendix T contains the Consistency Determination, the RCA Joint Project Review (JPR), DBESP Addendum, and the concurrence from the Wildlife Agencies for the MCP project.

The process to evaluate a project's compliance with the Western Riverside County MSHCP requires:

- Preparation of a Consistency Determination including preparation of Determination of Biological Equivalent or Superior Preservation (DBESPs) Analyses for affected species
- JPR process

The Western Riverside County MSHCP consistency process was required only for the preferred alternative for the MCP project. When the Draft EIR/EIS and the Recirculated Draft EIR/Supplemental Draft EIS for the MCP project were prepared and distributed for review, no preferred alternative had been identified. The process to evaluate the alternatives and identify the preferred alternative for the MCP project, described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS, was conducted after the circulation of the Recirculated Draft EIR/Supplemental Draft EIS. As discussed in Section 2.5.5, Alternative 9 Modified with the SJRBDV was identified as the preferred alternative. RCTC prepared the

Consistency Determination including the DBESPs and conducted the JPR process for the preferred MCP alternative prior to the completion of this Final EIR/EIS.

The Consistency Determination provided in Appendix T describes how the preferred alternative for the MCP project complies with the following requirements of the Western Riverside County MSHCP and the Implementing Agreement:

- The policies for the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools in Section 6.1.2 in the Western Riverside County MSHCP (Section 4.1 in the Consistency Determination and discussed briefly in Section S.5.1.4 in this Master Response)
- The policies for the Protection of Narrow Endemic Plant Species (NEPSSA) in Section 6.1.3 in the Western Riverside County MSHCP (Section 4.2 in the Consistency Determination and discussed briefly in Section S.5.1.5 in this Master Response)
- The policies for Protection of Criteria Area Species Survey Area (CASSA) Plants in Section 6.3.2 in the Western Riverside County MSHCP (Section 4.3 in the Consistency Determination and discussed briefly in Section S.5.1.6 in this Master Response)
- Additional Survey Needs and Procedures in Section 6.3.2 in the Western Riverside County MSHCP (Sections 4.4 [SBKR], 4.5 [Los Angeles pocket mouse (LAPM)], and 4.6 [burrowing owl (BUOW)] in the Consistency Determination and discussed briefly in Section S.5.1.6 in this Master Response)
- The Urban-Wildlands Interface Guidelines in Section 6.1.4 in the Western Riverside County MSHCP (Section 4.7 in the Consistency Determination and discussed briefly in Section S.5.1.7 in this Master Response)
- The siting and design criteria set forth in Sections 7.5.1 and 7.5.2 in the Western Riverside County MSHCP (Section 4.8 in the Consistency Determination and discussed briefly in Section S.5.1.8 in this Master Response)
- Compliance with the best management practices (BMPs) set forth in Section 7.5.3 and Appendix C in the Western Riverside County MSHCP (Section 4.9 in the Consistency Determination and discussed briefly in Section S.5.1.9 in this Master Response)

Disclosure of compliance with these Western Riverside County MSHCP policies was provided in subsection titled “Western Riverside County MSHCP” starting on page 3.17-27 in the Recirculated Draft EIR/Supplemental Draft EIS. The project compliance with these requirements for the preferred alternative are described briefly

in the following sections and are discussed in detail in the Consistency Determination in Appendix T. The completion of the JPR is also discussed briefly in this section.

DBESPs are required to demonstrate adequate conservation for species per Sections 6.1.2, 6.1.3, and 6.3.2 in the Western Riverside County MSHCP. The DBESPs for Alternative 9 Modified with the SJRB DV, the preferred alternative for the MCP project, described in the following sections, expanded on the framework provided in the Recirculated Draft EIR/Supplemental Draft EIS, including refinements to the avoidance, minimization, and mitigation measures provided in Sections 3.17 through 3.20 in the Final EIR/EIS. During the preparation of the DBESPs and the Final EIR/EIS, RCTC continued to coordinate with the USFWS and the CDFW regarding the DBESPs for riparian/riverine resources, and plant (smooth tarplant and Coulter's goldfields) and animal (SBKR, LAPM, and BUOW) species.

DBESPs require discussions of avoidance, which were conducted as part of the DBESP analyses included in the Consistency Determination. Avoidance alternatives for transportation projects are often limited by the need for a facility to span a specific geographic location to connect points of access. The preferred alternative for the MCP project follows part of the existing Ramona Expressway, which meets one of the primary goals of Section 7.5.1 of the Western Riverside County MSHCP, that new roads should follow existing roads to limit additional and new impacts. Figure 2 (Proposed Project and MSHCP Areas) in the Western Riverside County MSHCP shows that Criteria Areas are identified across western Riverside County, and as a result, it would be impossible to align an east-west road in western Riverside County that would avoid all Criteria Areas. The MCP project was aligned to minimize the number of Criteria Areas impacted, by aligning it along an existing road and immediately south of the Lake Perris State Recreation Area and the San Jacinto Wildlife Area. The alignment was also refined to avoid Public/Quasi-Public Lands in the San Jacinto Wildlife Area. Figure 2 in the Western Riverside County MSHCP shows the alignment of a CETAP corridor along the alignment of the MCP and the Western Riverside County MSHCP Criteria Cells crossed by and in the immediate vicinity of that corridor alignment.

The DBESP process included review by the RCTC, the RCA, and the wildlife agencies (USFWS and CDFW). The 14-day period for the review of the JPR and the 60-day review period of the DBESPs by the Wildlife Agencies are requirements of the Western Riverside County MSHCP and are not public review processes under the

National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA).

Measure TE-1, starting on page 3.21-19 in the Recirculated Draft EIR/Supplemental Draft EIS, indicated RCTC was committed to preparing the DBESPs prior to certification of the Final EIR/EIS. The Recirculated Draft EIR/Supplemental Draft EIS included additional information on how the effects of the MCP project, including effects on resources covered by the Western Riverside County MSHCP, would be offset in accordance with the requirements of CEQA and NEPA. However, specific DBESP findings were not made in the Recirculated Draft EIR/Supplemental Draft EIS because, as noted earlier, a preferred alternative had not been identified at that time. DBESPs must be prepared based on the foreseeable impacts of a discrete and specific project (i.e., the preferred alternative), and DBESPs must be analyzed within discrete review timelines required by the Western Riverside County MSHCP. This provides for the review of a specific proposed project (i.e., the preferred alternative) so that the discrete project impacts can be weighed against the proposed mitigation in order to determine biological equivalency.

Measure TE-1 described how the DBESPs for spreading navarretia, LBV, and SBKR would be implemented by indicating that off-site preservation would be sought or restoration/enhancement of existing populations would be provided. The information provided in Measure TE-1 was adequate for the public to understand the framework regarding how the project impacts to those species would be mitigated. The specific locations where the mitigation would occur were not identified until after the preferred alternative was identified and are provided in the DBESPs as described in the following sections. The DBESPs in the Consistency Determination in Appendix T identify measures that will be biologically (e.g., functionally) equivalent or that will have superior preservation to the existing conditions for the affected biological resources.

S.5.1.4 Compliance with Policies for the Protection of Species Associated with Riparian, Riverine, Fairy Shrimp, and Vernal Pools in Section 6.1.2 in the Western Riverside County MSHCP

Section 6.1.2 in the Western Riverside County MSHCP describes the process for protection of riparian/riverine areas and vernal pools in the MSHCP plan area to ensure that the biological functions and values of riparian/riverine areas and vernal pools including habitat values for animal and plant species inside the MSHCP Conservation Area are maintained.

The total permanent and temporary impacts to riparian and riverine areas by the preferred alternative would be 41.59 acres (4.99 acres of riparian vegetation, 29.39 acres of riverine areas associated with the alkali communities within the San Jacinto River floodplain, and 7.22 acres of unvegetated riverine impacts) as shown on Figure 7 in the Consistency Determination. Of the 41.59 acres of total impacts, 35.54 acres would be permanent impacts to riparian and riverine resources and 6.05 acres would be temporary impacts as shown on Figure 8 in the Consistency Determination. Figures 9 through 13 in the Consistency Determination show the specific areas of permanent and temporary impacts to riparian and riverine features. Table S.5.1.1 summarizes the permanent and temporary impacts to riparian and riverine habitats within and outside the San Jacinto River floodplain.

Table S.5.1.1 Total Permanent and Temporary Impacts of the Preferred Alternative to Riparian and Riverine Areas

	Permanent Impacts ¹ (acres)			Temporary Impacts ¹ (acres)	Total Impacts ¹ (acres)
	<i>Permanent Shade</i>	<i>Permanent Grading and Other Roadway Improvements</i>	<i>Total Permanent</i>		
<i>Riparian Vegetation</i> ²					
Outside SJR floodplain	1.27	0.96	2.24	2.20	4.44
Within SJR floodplain	0.48	0.00	0.48	0.07	0.54
<i>Riparian Vegetation Subtotal</i>	<i>1.75</i>	<i>0.96</i>	<i>2.71</i>	<i>2.27</i>	<i>4.99</i>
<i>Riparian Vegetation</i> ³					
Outside SJR floodplain	1.41	4.25	5.67	1.55	7.22
Within SJR floodplain ⁴	6.36	20.80	27.16	2.23	29.39
<i>Riverine Vegetation Subtotal</i>	<i>7.77</i>	<i>25.06</i>	<i>32.83</i>	<i>3.78</i>	<i>36.61</i>
Total Riparian and Riverine	9.53	26.02	35.54	6.05	41.59

Source: Western Riverside County MSHCP Consistency Determination (2014) provided in Appendix T of the Final EIR/EIS.
SJR = San Jacinto River

¹ Totals may not appear to sum correctly due to rounding.

² Riparian vegetation consists of marsh, riparian forest and riparian scrub throughout the entire footprint.

³ Riverine vegetation consists of all remaining land cover categories (cropland, dairy, developed/ruderal, lake/pond, Riversidean upland sage scrub, non-native grassland and alkali grassland) within non-riparian CDFW jurisdictional areas.

⁴ In addition to the above vegetation types, all cropland and alkali grassland within the SJR 100-year floodplain at Lakeview are included in riverine areas within the SJR floodplain. Acreage totals differ from Table 1 in the Western Riverside County MSHCP Consistency Determination in some cases (e.g., not all alkali grassland is riverine; only alkaline grassland within the SJR floodplain is considered riverine).

Table S.5.1.2 summarizes the impacts of the preferred alternative on riparian and riverine habitats by vegetation community.

Table S.5.1.2 Riparian and Riverine Impacts of the Preferred Alternative by Vegetation Community

Vegetation	Permanent Impacts ¹ (acres)			Temporary Impacts ¹ (acres)	Total Impacts ¹ (acres)
	<i>Permanent Shade</i>	<i>Permanent Grading and Other Roadway Improvements</i>	<i>Total Permanent</i>		
Cropland	0.41	12.07	12.49	0.15	12.64
Dairy	0.00	0.03	0.03	0.00	0.03
Lake/pond	0.07	0.00	0.07	0.48	0.55
Developed/ruderal	1.16	2.72	3.87	0.99	4.86
Riversidean upland sage scrub	0.00	0.28	0.28	0.00	0.28
Non-native grassland	0.00	0.39	0.39	0.00	0.39
Alkali grassland	6.13	9.57	15.70	2.16	17.86
Marsh	0.17	0.00	0.17	0.03	0.20
Riparian forest	1.14	0.29	1.43	1.80	3.24
Riparian scrub	0.44	0.67	1.11	0.44	1.55
Total	9.53	26.02	35.54	6.05	41.59

Source: Western Riverside County MSHCP Consistency Determination (2014) provided in Appendix T in the Final EIR/EIS.

SJR = San Jacinto River

¹ Totals may not appear to sum correctly due to rounding.

² **Bold:** Vegetation types that are considered Riparian. All other vegetation non-bolded is considered Riverine.

Impacts to the Functions and Values of Riparian Features

As shown in Table S.5.1.1, the preferred alternative for the MCP project would impact 4.99 acres of riparian resources. The majority of the impacts to the riparian vegetation would occur at the San Jacinto River crossing at Sanderson Avenue and at the connection with the SR-79 project in the City of San Jacinto. There are also small areas of vegetation at the bridge crossings of the San Jacinto River in the Lakeview area that would be impacted by the MCP. The riparian areas impacted by the preferred alternative for the MCP project are shown in detail on Figures 7 through 13 in the Consistency Determination. The Consistency Determination provides detailed discussion of the following functions and values for the San Jacinto River floodplain riparian communities as outlined in Section 6.1.2 in the Western Riverside County MSHCP: Hydrologic Regime, Flood Storage and Flood Flow Modification, Sediment Trapping and Transport, Nutrient Retention and Transformation, Toxicant Trapping, Public Use, Wildlife Habitat, and Aquatic Habitat.

Impacts to the Functions and Values of Riverine Features

As shown in Table S.5.1.1, the preferred alternative for the MCP project would impact two types of riverine resources: alkali communities along the San Jacinto River floodplain in Lakeview (30.46 acres) and unvegetated ephemeral drainages (7.39 acres). These areas include alkali grassland and cropland within the 100-year floodplain for the San Jacinto River. The ephemeral drainages are mostly drainages that funnel water across Ramona Expressway and other roads and connections that

the preferred alternative for the MCP project will impact. These drainages funnel water across the road and the majority of these features are not located within the Criteria Area. Therefore, most of them do not contribute water to downstream resources that support species in the Conservation Area of the MSHCP.

The Consistency Determination provides a detailed discussion of these San Jacinto River floodplain alkali communities and the ephemeral riverine habitats as outlined in Section 6.1.2 in the Western Riverside County MSHCP including the Hydrologic Regime, Flood Storage and Flood Flow Modification, Sediment Trapping and Transport, Nutrient Retention and Transformation, Toxicant Trapping, Public Use, Wildlife Habitat, and Aquatic Habitat and characteristics for these riverine features. Riverine and riparian areas are shown on Figures 7 through 13 in the Consistency Determination.

DBESP for Riparian/Riverine Impacts

Of the 29.39 acres of non-riparian alkali communities in the San Jacinto River impacted by the preferred alternative, 27.16 acres would be permanent and 2.23 acres would be temporary. Given the sensitivity of the soils in this habitat type, the permanent and temporary impacts will be mitigated together using an off-site mitigation site. The 7.22 acres of permanent and temporary impacts to the ephemeral unvegetated drainages include drainages that mainly convey water from one location to another that would be impacted by the project. As a result, their replacement with better-functioning drainages off site, as well as restoration of temporarily impacted areas, will be the mitigation plan for these resources.

Table S.5.1.3 summarizes the proposed mitigation acreages for the impacts of the preferred alternative for the MCP on riparian and riverine resources per the Western Riverside County MSHCP. Given the length of time between the Western Riverside County MSHCP consistency determination process and the initiation of project construction, no land has been acquired to date for the mitigation for these impacts of the preferred alternative. Several areas have undergone preliminary evaluation and will be the focus of mitigation implementation. The areas envisioned for off-site riparian/riverine (drainages) mitigation are shown on Figures 15a (Riparian and Riverine [unvegetated] Potential Mitigation Sites) and 15b (Riverine/Alkali Communities Potential Mitigation Areas) in the Consistency Determination. Based on windshield surveys conducted during the preparation of the MCP MSHCP Consistency Determination, tributaries to the San Jacinto River that currently appear to support riparian vegetation that could also support LBV will be the focus of

Table S.5.1.3 Summary of Riparian and Riverine Mitigation Acreages and Mitigation Types

	Permanent Impacts (acres)			Temporary Impacts (acres)	Total Impacts (acres)	Proposed Mitigation (acres)	Mitigation Ratio	Type of Mitigation Proposed
	<i>Permanent Shade</i>	<i>Permanent Grading and Other Roadway Improvements</i>	<i>Permanent Total</i>					
Riparian habitat	1.75	0.96	2.71	2.27	4.99	11.00*	2.2:1	Off-site preservation and establishment, reestablishment, and/or enhancement On-site restoration for temporary impacts to reach a total of 11 acres of riparian habitat
Least Bell's vireo habitat	1.28	0.38	1.66	2.00	3.66	11.00*	3:1	Same off-site mitigation can be used for riparian as long as the acreage is all suitable or occupied by LBV; otherwise a total of 11 acres for LBV will be acquired.
Alkali riverine areas	6.36	20.80	27.16	2.23	29.39	9.54 Shade 62.4 Grading 2.23 Temp Total: 74.17	1.5:1 Shade 3:1 Grading 1:1 Temp	Off-site preservation and/or restoration/enhancement
Riverine Unvegetated drainages	1.41	4.25	5.67	1.55	7.22	11.00	1.5:1	Off-site preservation, restoration and/or enhancement. Different from riparian mitigation.

Source: Western Riverside County MSHCP Consistency Determination (2014) provided in Appendix T in the Final EIR/EIS.

* The same acreage will be used for riparian and least Bell's vireo impacts.

mitigation for the impacts of the preferred alternative on riparian and riverine resources and LBV as shown on Figures 15a and 15b in the MSHCP Consistency Determination. Mitigation for the riverine alkali impacts will focus on the vernal pool complex area in Noncontiguous Habitat Block 7 or the San Jacinto River floodplain (Figures 17a and 15, sheet 2, in the Consistency Determination) because those areas have similar soils and known sensitive plant locations.

The impacts of the preferred alternative to riparian and riverine areas will be offset through a combination of off-site preservation augmented with establishment/reestablishment and/or enhancement, as needed. The Consistency Determination provides detailed guidelines for activities related to the establishment,

reestablishment, and enhancement of resources. The Consistency Determination also describes specific mitigation measures that will be implemented at the future riparian mitigation sites, including grading design, weed removal, erosion controls and BMPs, specific plant palettes, appropriate plant installation and seed application methods, irrigation system installation, maintenance, and monitoring and reporting.

With the above provisions incorporated, the preferred alternative for the MCP project will provide biologically equivalent or superior preservation of riparian and riverine resources, thereby mitigating the project impacts to riparian and riverine resources.

Riparian Birds (Least Bell's Vireo, Southwestern Willow Flycatcher, and Western Yellow-Billed Cuckoo)

Based on surveys conducted in 2005, no LBV or southwestern willow flycatcher (SWWF) were identified along the 16-mile (mi) alignment of the preferred alternative within habitat suitable for those species. The Western Riverside County RCA provided data from 2008 for a pair of LBV in the San Jacinto River, west of Sanderson Avenue found for another project; that location is shown on Figure 14 in the Consistency Determination. No SWWF were observed in the project study area and no impacts to breeding habitat would result from implementation of the preferred alternative for the MCP project. Focused surveys for western yellow-billed cuckoo were not conducted because there was no suitable habitat for this species in the project study area.

Of the approximately 4.98 acres of riparian habitat that will be impacted by the preferred alternative, 3.66 acres (1.75 acres from permanent shading, 0.96 permanent grading/improvements impacts, and 2.27 acres temporary impacts) are habitat suitable for LBV as shown on Table S.5.1.3. That habitat is located at the San Jacinto River and Sanderson Road as shown on Figure 14 in the Consistency Determination. Based on the 2008 sighting of a pair of LBV in the vicinity of the San Jacinto River Bridge and Sanderson Road, even though MCP surveys were negative for LBV in this area, the preferred alternative assumes that all 3.66 acres are occupied LBV habitat. All this suitable habitat has long-term conservation value for LBV. Impacted riparian habitat is subject to mitigation pursuant to the DBESP as discussed earlier in this section. Mitigation for the impacts to riparian habitat described in that DBESP will benefit the LBV as well.

Vernal Pools and Fairy Shrimp

Per Section 6.1.2 of the MSHCP, vernal pools include seasonal wetlands (having indicators of hydric soil, hydrophytic vegetation, and wetland hydrology) in natural depressions or in artificial depressions created to provide wetland habitat. None of the wetland areas along the MCP project alignment met the definition of a Western Riverside County MSHCP vernal pool. One feature adjacent to Ramona Expressway east of the San Jacinto River Channel in Lakeview was evaluated as a vernal pool because it supported over 100,000 individual spreading navarretia plants (shown on Figure 16 in the Consistency Determination), which are frequently associated with vernal pools. This depression lacked wetland soils and appears to be a result of a borrow pit for the construction of a roadbed or levee at the feature's southern edge, as well as for the construction of the Ramona Expressway, which is on its northern edge. Although this feature fails to meet the definition of a vernal pool based on its artificial origin, impacts to this feature will be mitigated through project mitigation for effects to spreading navarretia and alkali communities.

No listed fairy shrimp were identified during the surveys conducted in 2006, 2007, 2010, and 2011.

S.5.1.5 Compliance with the Policies for the Protection of Narrow Endemic Plant Species in Section 6.1.3 in the Western Riverside County MSHCP

The DBESP for spreading navarretia is provided in Section 4.2, Section 6.1.3 Compliance – Narrow Endemic Plant Species, in the Consistency Determination and is described briefly below. As shown on Figure 16 in the Consistency Determination, the preferred alternative will impact a total of 1.09 acres of spreading navarretia within the San Jacinto River floodplain all of which would have long-term conservation value for this plant. The 1.09 acres includes 0.03 acre of permanent impacts, 0.82 acre of permanent shade impacts, and 0.24 acre of temporary impacts.

Because individual plants will be impacted, as well as some habitat, the preferred alternative proposes to provide replacement land that contains suitable habitat for spreading navarretia. For the 1.09 acres of impacts to this plant species, the MCP project will provide 3.3 acres of replacement land with suitable or occupied habitat for spreading navarretia. RCTC will focus its mitigation efforts for the spreading navarretia in two locations: the Hemet Vernal Pool complex shown on Figure 17a and the San Jacinto River floodplain shown on Figure 17b in the Consistency Determination. Both locations are known to support spreading navarretia. The

Consistency Determination provides detailed discussion of the physical site characteristics necessary to support this species and specific site selection criteria for evaluation of potential mitigation sites.

The following activities, which are discussed in detail in the Consistency Determination, would be necessary to implement the mitigation for the spreading navarretia:

- Selection of the mitigation site/sites using specific selection criteria
- Development of a site-specific restoration and/or enhancement program to support the implementation of the mitigation for the spreading navarretia
- Development of a site-specific maintenance program implemented for a period of 5 years
- Development and implementation of a monitoring program to assess the success of the program and support decisions for maintenance and modifications of the site to facilitate a successful result

As noted in the Consistency Determination, implementation of the provisions described above will provide biologically equivalent or superior preservation of the NEPSSA resource (spreading navarretia) impacted by the preferred alternative for the MCP project.

S.5.1.6 Compliance with the Additional Survey Needs and Procedures in Section 6.3.2 in the Western Riverside County MSHCP

DBESP for CASSA Plant Species

The DBESP for the CASSA plant species is provided in Section 4.3, Section 6.3.2 Compliance, in the Consistency Determination. As shown on Figure 16 in the Consistency Determination, three CASSA plant species were identified within the project footprint: San Jacinto Valley crownscale, smooth tarplant, and Coulter's goldfields. The impacts of the MCP project on these three CASSA plant species are summarized in Table S.5.1.4. The majority of the impacts of the preferred alternative on these CASSA species are in the San Jacinto River floodplain in Lakeview in areas identified with long-term conservation value. A few smooth tarplant populations in developed/disturbed habitat near the Perris Valley Storm Drain in an area not identified for long-term conservation value would also be impacted by the preferred alternative but are not included in the acreages provided in Table S.5.1.4.

Table S.5.1.4 Impacts of the Preferred Alternative on CASSA Plants and Habitats Suitable for Long-Term Conservation

CASSA Plant Species	Permanent Impacts (Grading and Other Associated Roadway Improvements) (acres)	Permanent Shade Impacts (acres)	Temporary Impacts (acres)	Total Impacts (acres)
Smooth tarplant	2.65	0.06	0.01	2.72
Coulter's goldfields	1.74	0.29	0.22	2.25
San Jacinto Valley crownscale	0.26	0.10	0.03	0.36

Source: *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* (2014) provided in Appendix T in the Final EIR/EIS.

Note: No parts of these effects overlap effects of the State Route 79 Realignment Project. The acreage of smooth tarplant does not include the isolated smooth tarplant populations near the Perris Valley Storm Drain or the scattered individuals and small populations near Princess Ann Road, which are not identified for long-term conservation value.

CASSA = Criteria Area Species Survey Area

MSHCP = Multiple Species Habitat Conservation Plan

Because individual plants will be impacted, as well as some of their habitats, the proposed mitigation will provide a total of 6 acres of replacement land that contains occupied habitat for these three CASSA species and 12 acres of enhancement within the 74 acres of the alkali floodplain acquisition, resulting in the following ratios:

- 16.5:1 ratio for the 0.36 acre of impacts to San Jacinto Valley crownscale
- 2.6:1 ratio for the 2.25 acres of impacts to Coulter's goldfields
- 2:1 ratio for the 2.72 acres of impacts to smooth tarplant

RCTC will focus its mitigation efforts for these three CASSA species in the same two locations described earlier for the spreading navarretia and shown on Figures 17a and 17b, respectively, in the Consistency Determination: the Hemet Vernal Pool complex and the San Jacinto River floodplain. Both locations are known to support these CASSA species. The Consistency Determination provides detailed discussion of the physical site characteristics necessary to support these CASSA species and specific site selection criteria for evaluation of potential mitigation lands.

The following activities, which are discussed in detail in the Consistency Determination, would be necessary to implement the mitigation for smooth tarplant, San Jacinto Valley crownscale, and Coulter's goldfields:

- Selection of the mitigation site/sites using specific selection criteria
- Development of a site-specific restoration and/or enhancement program to support the implementation of the mitigation for these plant species

- Development of a site-specific maintenance program implemented for a period of 5 years
- Development and implementation of a monitoring program to assess the success of the program and support decisions for maintenance and modifications of the site to facilitate a successful result

As noted in the Consistency Determination, implementation of the provisions described above will provide biologically equivalent or superior preservation of these CASSA resources (smooth tarplant, San Jacinto Valley crownscale, and Coulter's goldfields) impacted by the preferred alternative for the MCP project.

DBESP for the San Bernardino Kangaroo Rat

The DBESP for SBKR is provided in Section 4.4, San Bernardino Kangaroo Rat, in the Consistency Determination. Of a total of 36.23 acres of suitable habitat for SBKR identified in the biological study area (BSA), the MCP project would impact approximately 1.29 acres of SBKR-occupied habitat suitable for long-term conservation within the Western Riverside County MSHCP Survey Area. Of that 1.29 acres, 0.83 acre would be permanent impacts and 0.46 acre would be temporary impacts as shown on Figure 18 in the Consistency Determination. The habitat impacted by the preferred alternative for the MCP project serves as habitat for burrows, foraging, and refugia. To provide equivalent or superior mitigation for the 1.29 acres of project impacts, RCTC will acquire and conserve 4 acres of off-site mitigation lands which represents a 3.1:1 ratio. Given the length of time between when the MCP project would be approved and the project construction would begin, specific properties to be used for the off-site mitigation have not yet been identified. However, specific criteria for considering possible sites for that mitigation are provided in the Consistency Determination. Based on those criteria, RCTC has identified several areas where suitable land for SBKR mitigation is available and could be acquired in the future; those general areas are shown on Figure 19 in the Consistency Determination. However, RCTC will use the following criteria when finding the 4 acres needed for San Bernardino kangaroo rat mitigation:

- Lands shall be located within the San Bernardino kangaroo rat survey area or otherwise approved by the Wildlife Agencies.
- Lands shall contain highly suitable soils and vegetation for San Bernardino kangaroo rat.
- Lands shall be adjacent to or near PQP Lands or existing Conservation Lands known to support San Bernardino kangaroo rat.

Following the above criteria, RCTC has identified several areas where San Bernardino kangaroo rat mitigation lands could be acquired in the future. Figure 19 in the Consistency Determination depicts the general areas that have been identified with the above criteria that would provide similar or better habitat and connectivity than what is being impacted by the project. These areas have been identified to give RCTC the flexibility to acquire the most advantageous mitigation parcel but were selected based on knowledge of previous San Bernardino kangaroo rat observances in the past. If RCTC is unable to reach agreement with any property owner in the areas identified on Figure 19, or is unable to acquire the full 4 acres needed, then RCTC shall consult with the RCA and the wildlife agencies on additional areas or properties to be acquired and provide an amended DBESP documenting those additional areas, using the same criteria described above. Any mitigation lands acquired for the project's MSHCP compliance shall be conveyed to the RCA. Final mitigation site selection and an updated DBESP shall be submitted to the RCA and Wildlife Agencies prior to acquisition of the mitigation property.

As noted in the Consistency Determination, implementation of the provisions described above will provide biologically equivalent or superior preservation of SBKR habitat impacted by the MCP project.

DBESP for the Los Angeles Pocket Mouse

The DBESP for the LAPM is provided in Section 4.5, Los Angeles Pocket Mouse, in the Consistency Determination. During the project planning, RCTC made an ongoing effort to reduce project impacts including impacts to the LAPM. To describe minimization efforts to LAPM conducted after the Recirculated Draft EIR/Supplemental Draft EIS, the following text was added to the second paragraph in Section 3.20.4, Avoidance, Minimization, and/or Mitigation Measures, on page 3.20-10 in the Final EIR/EIS:

“Since the release of the Recirculated Draft EIR/Supplemental Draft EIS, as part of the preparation of Geometric Approval Drawings, RCTC continued to refine details of engineering and looked for opportunities to further reduce impacts. As a result of those activities, RCTC was able to reduce impacts to both LAPM and SBKR occupied/suitable habitat. By doing so, the acres of impacts to areas considered riparian habitats were also reduced.

Specifically, as part of the Build Alternatives evaluated in the Recirculated Draft EIR/Supplemental Draft EIS, RCTC was proposing cut and fill within the right of way. Based on the current refinements,

RCTC is proposing to provide retaining walls in certain areas to reduce the amount of grading and potential impacts in certain areas as shown in Table 3.20.B. By proposing walls instead of cut slopes, the acreages of habitat disturbance for the Build Alternatives were reduced compared to the 44 acres of impacts reported in the Recirculated Draft EIR/Supplemental Draft EIS.”

The locations of the retaining walls described above are shown on Figure 2.5.A in Chapter 2, Project Alternatives, in the Final EIR/EIS.

Based on those refinements, the preferred alternative for the MCP project would impact 20.85 acres of LAPM-occupied habitat suitable for long-term conservation within the Western Riverside County MSHCP Survey Area. Of that, 20.16 acres would be permanent impacts and 0.69 acre would be temporary impacts.

The habitat impacted by the preferred alternative for the MCP project not only serves as habitat for burrows, but also serves as foraging and refugia for LAPM. To mitigate for the 20.85 acres of impacts and to provide equivalent or superior mitigation, RCTC will acquire and conserve 42 acres (representing a 2:1 ratio) of off-site mitigation lands. Given the length of time between when the MCP project would be approved and the project construction would begin, specific properties to be used for the off-site mitigation have not yet been identified. However, the following specific criteria for considering possible sites for that mitigation, provided in the Consistency Determination, are:

- Lands shall be located within the LAPM survey area.
- Lands shall contain highly suitable soils and vegetation for the LAPM.
- Lands shall be adjacent to or near PQP Lands or existing Conservation Lands known to support LAPM.

Based on those criteria, RCTC has identified several areas where suitable land for LAPM mitigation is available and could be acquired in the future; those general areas are shown on Figure 19 in the Consistency Determination.

To further minimize impacts to the LAPM during construction, RCTC will conduct exclusionary trapping in the construction areas depicted on Figure 20 (Sheets 1 and 2) in the Consistency Determination and will relocate any trapped animals to outside the impact areas.

As noted in the Consistency Determination, implementation of the provisions described above will provide biologically equivalent or superior preservation of LAPM, thereby mitigating the impacts of the preferred alternative on LAPM.

DBESP for the Burrowing Owl

The DBESP for BUOW is provided in Section 4.6, Burrowing Owl, in the Consistency Determination.

The focused BUOW survey effort for the MCP project found that one individual burrowing owl and its associated foraging habitat (3.1 acres) would be directly impacted by the project construction. The location of that owl and habitat are shown on Figure 21 in the Consistency Determination. Given the length of time between when that owl was observed and the initiation of the project construction, that owl may or may not be in the same location at the start of project construction.

Because the 3.1 acres do not meet the 35 acres of suitable habitat and three or more pairs threshold from Western Riverside County MSHCP Burrowing Owl Species Objective 5, the requirement to conserve 90 percent of the area with long-term conservation value for the BUOW on site is not triggered. A more appropriate provision from Species Objective 5 is to conduct passive or active relocation prior to and during construction. However, as mentioned, given the length of time until the project construction would actually disturb BUOW and its habitat, and given the transitory nature of BUOW and their tendency to colonize areas that may not have been colonized before, there is a probability that BUOW could be located elsewhere within the footprint for the preferred alternative in the future. To address this, RCTC will conduct preconstruction surveys at least 120 days prior to any project-related ground disturbance to identify any owls that may have colonized suitable habitat areas within the disturbance limits for the preferred alternative. Any owls found in those surveys would be relocated to outside the disturbance limits. Passive relocation is the preferred relocation method; active relocation will be used when passive relocation is not successful in relocating BUOW to outside the project disturbance limits.

The DBESP for the BUOW was prepared to ensure replacement of lost functions and values of BUOW habitat resulting from unavoidable project impacts. All impacts within the project right of way footprint are permanent impacts to BUOW and its habitat. Direct impacts to BUOW include 3.1 acres of permanent impacts to foraging and burrow habitat occupied by one BUOW. Indirect impacts to BUOW and and/or suitable habitat may result from edge effects such as future development, plant and animal infestations, fire, litter, unauthorized recreational use, and an increase in light and glare associated with vehicles and daytime and nighttime construction activities.

The direct and indirect effects to BUOW and its habitat will be avoided and/or minimized based on the incorporation of the following measures into the project design and/or implementation procedures based on the Burrowing Owl Relocation Plan that will be implemented for the preferred alternative as described in detail in Section 4.6.1.1, Burrowing Owl Relocation Plan, the MSHCP Consistency Determination:

- Focused surveys for BUOW will be conducted in the known location east of the Perris Valley Drain prior to construction to confirm whether the site is still occupied.
- Preconstruction BUOW surveys will be conducted within 120 days prior to ground disturbance to avoid take of BUOW and occupied burrowing owl nests.
- Preconstruction surveys will follow accepted MSHCP survey protocols.
- Take of active BUOW nests will be avoided.
- If BUOW are identified during the preconstruction surveys and cannot be avoided, a BUOW relocation/translocation plan will be prepared based on the measures outlined below for submittal to the wildlife agencies for approval 60–90 days prior to ground-disturbing activities.
- Indirect impacts of exotic plant and animal infestations, litter, fire, and increased light and glare will be minimized by regular roadside maintenance by County of Riverside or Caltrans (depending on whether the facility is accepted into the State Highway System) to remove litter and weeds from the right-of-way, and by incorporating shielded lighting near environmentally sensitive areas.

The MSHCP Consistency Determination describes the components of the Burrowing Owl Relocation Plan, which address relocation of BUOW if found during the preconstruction surveys, as follows:

- Passive and, if needed, active relocation of BUOW by a qualified avian biologist.
- Passive relocation activities to exclude BUOW from burrows and to provide artificial burrows elsewhere; BUOW will be passively evicted only during the non-breeding season (September 1 to January 31).
- Active relocation to capture BUOW from original burrows that would be destroyed by construction activity, take them to a new site well removed from the original site, and release them into a new burrow; BUOW will be captured and moved during the non-breeding season or early in the breeding season but just prior to egg-laying (i.e., late January or early February).
- Capture and banding of BUOW for identification and monitoring.

- BUOW will be captured at least 1 week prior to passive or active relocation activities.
- Passive and active relocation sites will be selected and finalized in consultation with the RCA and the Wildlife Agencies.
- Passive and active relocation of owls to the identified relocation sites.
- Monitoring will be conducted prior to, during, and after passive or active relocation efforts.
- Habitat and artificial nest burrow management activities will be conducted at least once annually to maintain conditions that support BUOW.
- Data collection and reporting to the RCA and the Wildlife Agencies regarding the results of presence/absence surveys, nest/burrow locations, locations to which the BUOW were moved, capture and banding data, date and time passively relocated owls were excluded from original burrows or actively relocated owls were released into field enclosures, date field enclosures were removed, nest burrow monitoring visits, burrow habitat characteristics, reproductive success information from nest visits, artificial nest burrow installation and maintenance activities and outcomes, habitat management activities and outcomes, and results of burrow inspections using the infrared video scope.

The Burrowing Owl Relocation Plan will be refined during final design based on the information and activities described in the MSHCP Consistency Determination. The provisions and requirements in the Burrowing Owl Relocation Plan will be implemented prior to and during the project construction. Therefore, with the above provisions incorporated, the preferred alternative for the MCP project will provide biologically equivalent or superior preservation of the BUOW, thereby mitigating the impacts of the MCP project.

S.5.1.7 Compliance with the Urban/Wildlands Interface Guidelines in Section 6.1.4 in the Western Riverside County MSHCP

The MCP project compliance with the Urban/Wildlands Interface Guidelines in Section 6.1.4 in the Western Riverside County MSHCP is discussed in Section 4.7, Section 6.1.4 Compliance – Urban/Wildlands Interface Guidelines” in the Consistency Determination. The project compliance with those Guidelines is also discussed in the subsection titled “Western Riverside County MSHCP” starting on page 3.17-36 in Section 3.17.3, Permanent Impacts, in the Final EIR/EIS and is referenced in Mitigation Measure NC-5, on page 3.17-64 in the Final EIR/EIS.

The potential for indirect light and noise effects on the threatened and endangered species and their habitats is discussed in the subsection titled “Indirect Effects (All

Threatened and Endangered Species)” starting on page 3.21-16 in the Final EIR/EIS. As discussed in detail in the subsection titled “Compliance with the Western Riverside County MSHCP Urban/Wildlands Interface Guidelines” starting on 3.17-36 in the Final EIR/EIS, the indirect effects of the MCP Build Alternatives on threatened and endangered species and their habitats will be avoided or substantially reduced based on compliance with guidelines discussed in detail in Section 4.7, Section 6.1.4 Compliance – Urban/Wildlands Interactive Guidelines, in the Consistency Determination. Those guidelines for edge effects that would be incorporated in the preferred alternative are summarized below from the Consistency Determination and Section 3.21 in the Final EIR/EIS:

- **Drainage/Water Quality:** Measures to control the quantity and quality of runoff from the site entering the Western Riverside County MSHCP Conservation Area including BMPs such as biofiltration swales and infiltration basins will be incorporated in the preferred alternative. The preferred alternative will comply with all applicable National Pollutant Discharge Elimination System requirements.
- **Water Quality:** Measures to ensure that the application of chemicals such as fertilizer does not result in discharges to the Western Riverside County MSHCP Conservation Area. The preferred alternative will include BMPs to reduce/remove contaminants prior to discharge into the Western Riverside County MSHCP Conservation Area.
- **Light:** To minimize light effects in the Western Riverside County MSHCP Conservation Area, safety lighting will be provided along the MCP project only in existing developed areas and at interchanges. No lighting is proposed along the MCP facility near Western Riverside County MSHCP Conservation Areas.
- **Noise:** Construction activities would not occur within 300 ft of the Western Riverside County MSHCP Conservation Area during nesting season (February 15 through September 15) to minimize the effects of construction noise on raptors and nesting avian species. The Wildlife Crossing No. 10 entrance will be designed to minimize noise effects to the adjacent Western Riverside County MSHCP Conservation Area. The placement of berms between the wildlife crossing entrances or solid walls rather than fencing to funnel wildlife into that crossing will be considered to attenuate noise effects to the Western Riverside County MSHCP Conservation Area.
- **Invasive Species:** The invasive, non-native plant species listed in Table 6-2 in the Western Riverside County MSHCP will be considered in developing and approving the project landscape plans to avoid the use of invasive species for the

- parts of the project adjacent to the Western Riverside County MSHCP Conservation Area. Regular roadside maintenance will be conducted to remove litter and weeds from the right of way.
- Fencing:** Permanent fencing will be installed along the right of way limits for the entire length of the MCP facility to minimize unauthorized public access, domestic animal predation, illegal trespass, and dumping in the Western Riverside County MSHCP Conservation Areas. In the areas of Proposed Constrained Linkage 20 and the San Jacinto River Bridge at Proposed Extension of Existing Core 4, the MCP project will incorporate fencing that does not impede wildlife access to the crossings and bridge, while also directing wildlife away from the road. The MCP project will include fencing and barriers installed on both openings of Wildlife Crossing No. 10 and the adjacent smaller dry crossing to encourage animals to use the crossings and prevent access to the MCP road. Figure 23 in the Consistency Determination depicts the positions of the fencing in relation to MCP facilities and crossing access. The MCP project will also incorporate a row of long boulders within the edge of Wildlife Crossing No. 10 to act as cover for smaller animals to use should they choose to use that crossing instead of the small dry culvert. Jump outs and one-way gates will also be installed along the segment of the road in the vicinity of Wildlife Crossing No. 10 to allow wildlife to get off the road should they somehow gain access to that area. Figures 23a and 23b in the Consistency Determination provide a conceptual design for the fencing plan at the dry culvert designed for wildlife crossing.
 - Grading:** Manufactured slopes associated with the MCP project will not extend into the Western Riverside County MSHCP Conservation Area.

Measure NC-5, Conservation Areas, in Section 3.17.4, Avoidance, Minimization, and Mitigation Measures, on page 3.17-65 in the Final EIR/EIS was expanded to be more specific as to how the Urban/Wildlands Interface Guidelines will be implemented during construction of the MCP as follows (changes shown in italics):

- “NC-5 Conservation Areas.** During final design, the RCTC Project Engineer and the Contract Biologist will coordinate *to identify existing and proposed conservation areas within the project footprint and in the immediately surrounding areas and will designate those areas on the project specifications. The Contract Biologist will provide the RCTC Resident Engineer with the applicable guidelines from the Western Riverside County MSHCP, including the Urban/Wildlands Interface Guidelines from Section 6.1.4 of the Western Riverside County*

MSHCP and compliance with these guidelines as identified in Section 3.17.3 of the Final EIR/EIS, for incorporation in the project specifications.

To reduce impacts where the project interfaces with existing or proposed conservation areas as shown on the project specifications, the RCTC Resident Engineer will require the construction contractor to comply with the applicable guidelines from the Western Riverside County MSHCP, including the Urban/Wildlands Interface Guidelines from Section 6.1.4 of the Western Riverside County MSHCP, as included in the project specifications.

During final design, the RCTC Project Engineer and Project Biologist will ensure the design for the wildlife crossing entrance at Wildlife Crossing No. 10 will minimize noise effects to the adjacent MSHCP Conservation Area and ensure that noise effects do not exceed residential noise standards.”

S.5.1.8 Compliance with the Siting and Design Criteria in Sections 7.5.1 and 7.5.2 in the Western Riverside County MSHCP

The compliance of the preferred alternative with Sections 7.5.1 and 7.5.2 in the Western Riverside County MSHCP is discussed in Section 4.8, Sections 7.5.1 and 7.5.2 Compliance, in the Consistency Determination. Wildlife corridors, habitat fragmentation, and compliance with Sections 7.5.1 and 7.5.2 in the Western Riverside County MSHCP are also addressed in the Final EIR/EIS in Section 3.17.2.3, Wildlife Corridors/Habitat Fragmentation, (on page 3.17-16), and the subsection titled “Wildlife Corridors/Habitat Fragmentation” (starting on page 3.17-24).

Compliance with Section 7.5.1

Table S.5.1.5 briefly summarizes the compliance of the preferred alternative for the MCP project with Section 7.5.1, Guidelines for the Siting and Design of Planned Roads within Criteria Area and Public/Quasi-Public Lands, in the Western Riverside County MSHCP.

Compliance with Section 7.5.2

Section 7.5.2, Guidelines for Construction of Wildlife Crossings, in the Western Riverside County MSHCP contains guidelines that should be applied to roads. Those guidelines “...constitute a basic framework for wildlife crossing recommendations and are to be applied where there is either known wildlife movement, and/or in

Table S.5.1.5 MCP Project Compliance with Section 7.5.1 in the Western Riverside County MSHCP

Guideline from Section 7.5.1 of the Western Riverside County MSHCP	How the Preferred Alternative for the MCP Project Complies with the Cited Guideline
Planned roads will be located in the least environmentally sensitive location feasible.	The MCP project is located in the least environmentally sensitive location and does follow an existing road alignment.
Planned roads will avoid, to the greatest extent feasible, impacts to Covered Species and wetlands.	The MCP project follows existing roads the entire length and has been designed to avoid Covered Species and wetlands. For example, at the Sanderson Road crossing over the San Jacinto River, the MCP project has been redesigned to include retaining walls to pull back from impacting riparian scrub and LAPM and SBKR habitat. Additionally, revisions to MCP project design were made around Bernasconi Road to include retaining walls, as well as shifting the alignment for an approximate 1.5-mile-long segment between Bernasconi Road and Antelope Road so that impacts to LAPM habitat can be reduced. Impacts do occur where there are species and habitats along the shoulders and in future interchange areas. Mitigation has been provided for these impacts where they occur.
Design of planned roads will consider wildlife movement requirements in Section 7.5.2 “Guidelines for Construction of Wildlife Crossing” in the Western Riverside County MSHCP, in the Consistency Determination.	Wildlife movement considerations have been taken into consideration and demonstrated by the numerous culverts/undercrossings and bridges as documented on page 3.17-23 of the Final EIR/EIS for the MCP Project. See the response below regarding compliance with the Guidelines for Conservation of Wildlife Corridors.
Narrow Endemic Plant Species will be avoided; if avoidance is not feasible, then mitigation as described in the Narrow Endemic Plant Policy will be implemented.	As addressed in Section 3.19 in the Final EIR/EIS, the project has complied with and conducted analyses as to whether Narrow Endemic Plant Species can be avoided by the project. Spreading navarretia, the only NEPSSA species impacted by the project, will be affected at the San Jacinto River crossing in Lakeview. A DBESP was prepared to address this impact (refer to Appendix T). Avoidance was not possible as the plants were located adjacent to the existing roadway.
Any construction, maintenance, and operation activities that involve clearing of natural vegetation will be conducted outside the active breeding season (March 1 through June 30).	The MCP project includes measures to avoid nesting birds during breeding seasons.

Table S.5.1.5 MCP Project Compliance with Section 7.5.1 in the Western Riverside County MSHCP

Guideline from Section 7.5.1 of the Western Riverside County MSHCP	How the Preferred Alternative for the MCP Project Complies with the Cited Guideline
Prior to design and construction of transportation facilities, biological surveys will be conducted within the study area for the facility, including vegetation mapping and species surveys and/or wetland delineations.	Surveys were conducted for the project, along with biological surveys and vegetation mapping which are included in the 2008 NES and 2011 SNES and summarized for MSHCP relevancy. This guideline refers to actions “prior to design and construction.” As stated above, RCTC will not proceed with design and construction until a Preferred Alternative is selected, and then after that Alternative is approved by its Board. As stated in Section 3.17 in the Final EIR/EIS, prior to design and construction, the recommendations and measures outlined in this guideline, will be implemented because they are included in this Final EIR/EIS.

Source: *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* (2014) (provided in Appendix T in the Final EIR/EIS).

DBESP = Determination of Biologically Equivalent or Superior Preservation

EIR = Environmental Impact Report

EIS = Environmental Impact Statement

LAPM = Los Angeles pocket mouse

MCP = Mid County Parkway

MSHCP = Multiple Species Habitat Conservation Plan

NEPSSA = Narrow Endemic Plant Species Survey Area

NES = Natural Environment Study

RCTC = Riverside County Transportation Commission

SBKR = San Bernardino kangaroo rat

SNES = Supplemental Natural Environment Study

portions of the MSHCP Conservation Area that are assembled to provide wildlife movement.” The preferred alternative for the MCP project crosses through the following Reserve Features where wildlife movement is important:

- Extension of Existing Core 4, which is intended to provide habitat for several plant species, and to provide movement for species connecting to Lake Perris and Canyon Lake. The terrestrial Planning Species for this Linkage that would be expected to occur in the project area is the LAPM.
- Proposed Constrained Linkage 20, which is intended to connect Lake Perris to the Lakeview Mountains. The Hemet to Corona-Lake Elsinore CETAP Corridor (which is the same as the MCP project in this area) is explicitly discussed in the Western Riverside County MSHCP related to impacting Proposed Constrained Linkage 20 and the added edge effects that will be introduced as a result of the MCP project. The terrestrial Planning Species for this Linkage that would be expected to occur in the project area is the LAPM.

- As Proposed Constrained Linkage 20, as designated in the Western Riverside County MSHCP, Wildlife Crossing No. 10 has been designed for the sole purpose of facilitating wildlife movement between the San Jacinto-Lake Perris Reserve and the Lakeview Mountains. As included in the preferred alternative for the MCP project, Crossing No. 10 is planned to be 35 ft wide and 12 ft high by 210 ft long to accommodate wildlife movement through an area that is currently used for agricultural purposes as shown on Figure 22 in the Consistency Determination.

Section 7.5.2 also calls for smaller dry crossings for small mammals and reptiles. The preferred alternative for the MCP project includes one 3 ft by 3 ft dry culvert crossing west of Wildlife Crossing No. 10 in addition to numerous drainage culverts as shown on Figure 22 in the Consistency Determination.

Within the area of Proposed Constrained Linkage 20 and the San Jacinto River Bridge at the Proposed Extension of Existing Core 4, the preferred alternative for the MCP project will include fencing that does not impede wildlife access to the crossings and bridge, while also directing wildlife away from the roadway. The preferred alternative will include fencing and barriers installed on both openings of the smaller dry crossing and Wildlife Crossing No. 10 to encourage animals to use these crossings and prevent access to the road. Figure 23 in the Consistency Determination shows the positioning of the fencing in relation to the roadway and crossing access. The preferred alternative for the MCP project also includes a row of long boulders along the edge of Wildlife Crossing No. 10 to act as cover for smaller animals using that crossing. Jump outs and one-way gates will also be installed along the segment of the road in the vicinity of Wildlife Crossing No. 10 to allow wildlife to get off the road should they somehow gain access to that area as shown on Figures 23a and 23b in the Consistency Determination.

S.5.1.9 Compliance with Section 7.5.3 and Appendix C in the Western Riverside County MSHCP

As described in the Consistency Determination, Section 4.9, Section 7.5.3 and Appendix C of MSHCP Compliance list specific conditions applicable to the preferred alternative to reduce the construction impacts on species. RCTC's compliance with these conditions is required under Section 13.7(A) in the Implementing Agreement. The conditions under Section 7.5.3 in the Consistency Determination are:

1. Plans for water pollution and erosion control describing sediment and hazardous materials control, dewatering or diversion structures, fueling and equipment management practices, and the use of plant material for erosion control will be developed.
2. The timing of construction activities will consider seasonal requirements for breeding birds and migratory non-resident species. Habitat clearing will be avoided during species active breeding season defined as March 1 to June 30.
3. Sediment and erosion control measures will be implemented until such time soils are determined to be successfully stabilized.
4. Short-term stream diversions will be accomplished by use of sand bags or other methods that will result in minimal instream impacts. Short-term diversion will consider effects on wildlife.
5. Silt fencing or other sediment trapping materials will be installed at the downstream end of construction activities to minimize the transport of sediments off-site.
6. Settling ponds where sediment is collected will be cleaned in a manner that prevents sediment from re-entering the stream or damaging/disturbing adjacent areas. Sediment from settling ponds will be removed to a location where sediment cannot re-enter the stream or surrounding drainage area.
7. No erodible materials will be deposited into water courses. Brush, loose soils, or other debris material will not be stockpiled within stream channels or on adjacent banks.
8. The footprint of disturbance will be minimized to the maximum extent feasible. Access to sites will occur on pre-existing access routes to the greatest extent possible.
9. Equipment storage, fueling and staging areas will be sited on non-sensitive upland habitat types with minimal risk of direct discharge into riparian areas or other sensitive habitat types.
10. The limits of disturbance, including the upstream, downstream and lateral extents, will be clearly defined and marked in the field. Monitoring personnel will review the limits of disturbance prior to initiation of construction activities.
11. During construction, the placement of equipment within the stream or on adjacent banks or adjacent upland habitats occupied by Covered Species that are outside the project footprint will be avoided.
12. Exotic species removed during construction will be properly handled to prevent sprouting or regrowth.

13. Training of construction personnel will be provided.
14. Ongoing monitoring and reporting will occur for the duration of the construction activity to ensure implementation of BMPs.
15. When work is conducted during the fire season (as identified by the Riverside County Fire Department) adjacent to coastal sage scrub or chaparral vegetation, appropriate fire-fighting equipment (e.g., extinguishers, shovels, water tankers) shall be available on the site during all phases of project construction to help minimize the chance of human-caused wildfires. Shields, protective mats, and/or other fire preventative methods shall be used during grinding, welding, and other spark-inducing activities. Personnel trained in fire hazards, preventative actions, and responses to fires shall advise contractors regarding fire risk from all construction-related activities.
16. Active construction areas shall be watered regularly to control dust and minimize impacts to adjacent vegetation.
17. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other toxic substances shall occur only in designated areas within the proposed grading limits of the project site. These designated areas shall be clearly marked and located in such a manner as to contain run-off.
18. Waste, dirt, rubble, or trash shall not be deposited in the Conservation Area or on native habitat.

Relevant provisions from Appendix C in the Western Riverside County MSHCP are:

1. Train project personnel prior to grading regarding species of concern and the general provisions of the Endangered Species Act and the Western Riverside County MSHCP.
2. Develop and implement water pollution and erosion control plans.
3. Minimize the disturbance area and maximize use of existing access routes.
4. Clearly mark the upstream, downstream, and lateral limits of disturbance.
5. Avoid placement of equipment and personnel in the stream channel or in upland habitats.
6. Avoid the breeding season of riparian species.
7. Use methods requiring minimal instream impacts in diversion of streams.
8. Locate equipment storage, fueling, and staging areas on upland sites.
9. Do not deposit erodible fill material in water courses or stockpile debris in stream channels or on stream banks.

10. Monitor construction activities to avoid incidental disturbance of habitat and species of concern outside the project footprint.
11. Avoid and minimize the removal of native vegetation to the maximum extent practicable and revegetate with appropriate native species.
12. Permanently remove exotic species that prey upon or displace target species of concern.
13. Keep project site as clean of debris as possible.
14. Limit construction employee activities, vehicles, equipment, and construction materials to the project footprint, designated staging areas, and routes of travel.
15. RCTC will have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs.

S.5.1.10 Equivalency Analysis for the Project Effects on Public/Quasi-Public Lands

The equivalency analysis for the effects of the preferred alternative for the MCP project on PQP Lands is provided in Section 3.3, Impacts to PQP Lands, in the Consistency Determination. PQP Lands are lands that are under government ownership and are already in conservation areas with no threat of development. PQP Lands comprise 347,000 acres of the future total 500,000 acres MSHCP Reserve. Section 3.2.1 of the Western Riverside County MSHCP outlines the PQP Lands replacement process. For any PQP Land proposed for a use that would remove the Conservation value of the land, or use it in a way that "...alters the land use such that it would not contribute to Reserve Assembly...", replacement land shall be acquired or otherwise encumbered at a 1:1 ratio. The replacement land must take into account direct and indirect effects of PQP Lands in one location with PQP Lands in another location.

As discussed in Section 2.2 of the Consistency Determination, RCTC has realigned a 1.6-mile segment of Alternative 9 Modified SJRB DV to avoid impacts to a parcel owned by California Department of Fish and Wildlife and, therefore, considered PQP Lands under the MSHCP. Because this parcel will not be impacted as originally described in the Recirculated Draft EIR/Supplemental Draft EIS, there will be no permanent impacts to PQP Lands by the MCP project.

As shown on Figure 5, Sheet 2 of 2, the PQP Lands temporarily impacted by the preferred alternative for the MCP project is 1.46 acres of temporary impacts at the Perris Valley Storm Drain. The temporary impacts will be to PQP Lands and will not

result in any physical transformation of the Perris Valley Storm Drain or the function of those PQP Lands as a storm drain. Therefore, the temporary impacts associated with the bridge construction over the PQP Lands at the Perris Valley Storm Drain will not affect the conservation value of these PQP Lands.

S.5.1.11 Project Effects on Other Species Covered under the Western Riverside County Multiple Species Habitat Conservation Plan

The majority of the 146 species covered under the Western Riverside County MSHCP are fully covered species and do not require additional surveys to determine adequate mitigation for impacts within the Western Riverside County MSHCP Plan Area. Plant species covered by the Western Riverside County MSHCP that do not require surveys are discussed in the subsection, Species Not Requiring Surveys, in Section 3.19.3.1, Permanent Impacts, on page 3.19-4 in the Final EIR/EIS. MSHCP covered wildlife species that do not require surveys are discussed in the subsection titled “Other Non-listed Animal Species” on page 3.20-7 in Section 3.20.3.1, Permanent Impacts, in the Final EIR/EIS.

S.5.1.12 Potential for Cumulative Impacts on Biological Resources

Projects, including the MCP, the originally proposed Villages of Lakeview Specific Plan, and the SR-79 Realignment Project, that were considered in the evaluation of potential cumulative impacts, including cumulative impacts on biological resources, are discussed in Section 3.25.4, Identification of Cumulative Plans and Projects, starting on page 3.25-15 in the Final EIR/EIS. As discussed in Section 3.25.5.11 in the Final EIR/EIS on page 3.25-51, the preferred alternative would contribute to an incremental loss of potentially suitable habitat for Stephens’ kangaroo rat and CAGN; occupied habitat for the San Jacinto Valley crowscale, spreading navarretia, SBKR, and LBV; and areas of long-term conservation value for smooth tarplant and Coulter’s goldfields. These are all Covered Species under the Western Riverside County MSHCP.

As a regional plan, the Western Riverside County MSHCP provides mitigation for cumulative impacts to covered species and their habitats. Project consistency with the Western Riverside County MSHCP ensures that cumulative and indirect impacts to those species, their habitats, and other biological resources are effectively mitigated. The MCP project has adequately addressed cumulative project impacts to biological resources by demonstrating consistency with the Western Riverside County MSHCP.

As a project covered under the Western Riverside County MSHCP (as part of the Hemet to Corona/Lake Elsinore Corridor), the impacts of the MCP project on the Western Riverside County MSHCP covered species were first analyzed in the

Western Riverside County MSHCP EIR/EIS. Therefore, the potential impacts of the MCP project to all Western Riverside County MSHCP covered species have been addressed by demonstrating consistency with the Western Riverside County MSHCP, including mitigation for impacts to biological resources, as discussed in the Consistency Determination. Further, because MCP is a covered project under the Western Riverside County MSHCP, cumulative impacts for the decline of population and loss of habitat of covered species resulting from RCTC's projects have also been mitigated by RCTC's contribution to date of \$132 million (out of their total commitment of \$153 million) to the Reserve Assembly of the MSHCP Conservation Area.

S.5.1.13 Joint Project Review Process

After the preferred alternative was identified for the MCP project (refer to Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS), RCTC documented compliance with the Western Riverside County MSHCP specifically for the preferred alternative as part of the JPR. The JPR public projects review form and the Consistency Determination for the MCP project were submitted to the RCA on March 3, 2014 and was resubmitted on September 29, 2014. Based on the Consistency Determination, the preferred alternative for the MCP project was confirmed by RCTC, RCA, and the Wildlife Agencies as being consistent with the Western Riverside County MSHCP. The JPR was provided to RCTC in a letter from the RCA dated August 20, 2014. The JPR was updated in a letter dated October 9, 2014. A copy of the October 9, 2014 letter is provided in Appendix T in the Final EIR/EIS. As a result, the Final EIR/EIS provides analysis of impacts and describes the mitigation required of the preferred alternative for the MCP project to comply with the Western Riverside County MSHCP consistency requirements.

Per Section 3.2.1 in the Western Riverside County MSHCP, the PQP Equivalency Analysis was provided to the wildlife agencies as part of the JPR process to compare the effects and benefits of the MCP project along with the proposed mitigation.

Language was added in the Final EIR/EIS, in the subsection titled "Western Riverside County MSHCP" (starting on page 3.17-1) in Section 3.17.1.1, Habitat Conservation Plans, Natural Communities Conservation Plans, and Wildlife Areas, and in the subsection titled "Western Riverside County MSHCP" (starting on page 3.17-27) in Section 3.17.3.1, Permanent Impacts, adding additional detail regarding how RCTC, as the Permittee under the Western Riverside County MSHCP for the MCP project, has complied with the provisions and policies in the Western Riverside County MSHCP and the Implementing Agreement based on the Consistency Determination.

Table S.5.1.6 summarizes the permanent and temporary effects of the preferred alternative on the resources evaluated in the Consistency Determination and the mitigation acreages to address those effects.

S.5.1.14 Addendum to MSHCP Consistency Determination and Determination of Biologically Equivalent or Superior Preservation Analysis

The USFWS and CDFW (the Wildlife Agencies) submitted comments on the September 2014 MSHCP Consistency Determination and DBESPs to the RCTC on October 20, 2014. As requested by the Wildlife Agencies, RCTC prepared an Addendum to the MSHCP Consistency Determination (Addendum) in an October 24, 2014 letter to the Wildlife Agencies (the October 20, 2014 letter from the Wildlife Agencies is an attachment to the October 24, 2014 Addendum). The Addendum is provided in Appendix T in this Final EIR/EIS.

The Addendum provides responses to the specific comments in the Wildlife Agencies letter. The responses to the Wildlife Agencies' comments include citations to various documents including the Consistency Determination, the Western Riverside County MSHCP, the Recirculated Draft EIR/Supplemental Draft EIS (January 2013), administrative draft EIR/EIS (November 2014), the *Natural Environment Study* (2008) for the MCP project, and the California Invasive Plant Council (Cal-IPC) Invasive Plant Inventory for information supporting the analyses and conclusions in the MSHCP Consistency Determination and DBESPs. The responses also provide clarification of some of the avoidance, minimization, and mitigation measures included in the MCP project as documented in both the Final EIR/EIS and the DBESPs. As part of the responses, RCTC also agreed to an additional environmental commitment to salvage alkali soils that could be re-used on habitat restoration areas.

The Wildlife Agencies issued a joint letter of concurrence on the MSHCP Consistency Determination and DBESPs for the MCP project on November 14, 2014 (a copy of that letter is provided in Appendix T of the Final EIR/EIS).

S.5.2 Master Response Related to the Stephens' Kangaroo Rat

Comments regarding potential project impacts on SKR including potential take of SKR and how those impacts are addressed are discussed in this Master Response.

The process used to evaluate the alternatives and identify the preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. The range of potentially suitable habitat for SKR was discussed in the subsection titled "Stephens' Kangaroo Rat"

Table S.5.1.6 MCP Western Riverside County MSHCP Summary Mitigation Matrix (Mitigation Acreage) for the Preferred Alternative

Impacted Resources	Total Acreage of Project Impacts	Permanent Impacts	Temporary Impacts	Mitigation Acreage	Notes
Riparian Vegetation	4.99	2.71	2.27	11	Refer to Figure 15a in the Consistency Determination – Tributary to SJR near Jack Rabbit Trail. Off-site preservation and establishment, re-establishment and/or enhancement. On-site restoration for temporary impacts.
Least Bell's Vireo	3.66	1.66	2	11	Refer to area on Figure 15a in the Consistency Determination. Same 11 acres for Riparian.
Riverine – Alkaline Communities in SJR Floodplain	29.39	27.16	2.23	74.17	Mitigation broken out by 9.54 acres shade; 62.4 acres grading; 2.23 acres temp. Refer to Figures 15b and 17a in the Consistency Determination. Looking in Hemet Vernal Pool area or Lakeview Floodplain.
Riverine – Non-SJR Floodplain	7.22	5.67	1.55	11	Refer to Figure 15a in the Consistency Determination. Jack Rabbit Trail tributaries – same as riparian vegetation.
San Jacinto Valley Crownscale	0.36	0.33 ¹	0.03	6	Refer to Figures 17a or 17b in the Consistency Determination. Hemet Vernal Pool or Lakeview Floodplain. Same acreage for Coulter's goldfields and smooth tarplant mitigation.
Spreading Navarretia	1.09	0.85 ¹	0.24	3.3	Refer to Figures 17a or 17b in the Consistency Determination. Hemet Vernal Pool or Lakeview Floodplain.
Coulter's Goldfields	2.25	2.03 ¹	0.22	6	Refer to Figures 17a or 17b in the Consistency Determination. Same acreage for crownscale and smooth tarplant mitigation.
Smooth Tarplant	2.72	2.71	0.01	6	Refer to Figures 17a or 17b. Same acreage as crownscale and Coulter's goldfields.
Los Angeles Pocket Mouse	20.85	20.16	0.69	42	See Figure 19 in the Consistency Determination.
San Bernardino kangaroo rat	1.29	0.83	0.46	4	See Figure 19 in the Consistency Determination.
Burrowing Owl	N/A	N/A	N/A	N/A	Relocation plan proposed; no acreage proposed for mitigation.
Public/Quasi-Public Lands	1.46	0.0	1.46	0	Not applicable.

Source: *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* (2014) (provided in Appendix T in the Final EIR/EIS).

¹ From Attachment A, MCP MSHCP Summary Mitigation Matrix, in the Mid County Parkway MSHCP DBESP Addendum (October 24, 2014).

N/A = not applicable

starting on page 3.21-14 in the Recirculated Draft EIR/Supplemental Draft EIS in order to disclose the worst-case potential impacts of the MCP to that species.

S.5.2.1 Habitat Conservation Plan for the Stephens' Kangaroo Rat

The subsection titled “Habitat Conservation Plan for the Stephens' Kangaroo Rat,” starting on page 3.17-8 in the Final EIR/EIS, describes the background of the *Habitat Conservation Plan for the Stephens' Kangaroo Rat* (HCP for SKR, March 1996). During development of the Western Riverside County MSHCP, the SKR Core Reserves in the HCP for SKR were incorporated into the Conservation Area of the Western Riverside County MSHCP.

The San Jacinto-Lake Perris (SJ-LP) Reserve is the only SKR Reserve established through the implementation of the HCP for SKR which is within the area of the Modified MCP project, as shown on Figure 3.17.2, on page 3.17-9 in the Final EIR/EIS. This Reserve encompasses 10,932 acres with 3,640 acres of SKR-occupied habitat, owned primarily by the State of California, and also other public agencies, including the Riverside County Habitat Conservation Agency (RCHCA).

As described in the HCP for SKR, the “...reserve area generally consists of undeveloped lands in the Lake Perris State Recreation Area and San Jacinto Wildlife Area, and previously farmed lands to the east. The area features some rocky and steep terrain including Mt. Russell to the north and the Bernasconi Hills to the south.” In Section 5(c)(1)(d), San Jacinto-Lake Perris Core Reserve in the HCP for SKR, it is acknowledged that “...much of the land surrounding the SJ-LP core reserve is potentially subject to future development.” Based on this statement, it is clear that the reserve boundaries of the HCP for SKR were created with the understanding that development outside those reserve boundaries could result in edge and indirect effects in areas within the boundaries of the HCP for SKR. Further, the HCP for SKR includes provisions for public projects to be included within the reserve boundaries. Therefore, any loss of habitat/habitat fragmentation has already been accounted for during the development of the reserve boundaries for the HCP for SKR. Loss of habitat outside the reserve boundary is also already accounted for in the HCP for SKR.

Take of SKR is authorized throughout the HCP for SKR plan area outside the SKR reserve boundaries. Take within the HCP for SKR plan area may be authorized based on compliance with the HCP for SKR or Federal Endangered Species Act Section 7 consultation with the USFWS as discussed on page 3.17-8 in the subsection titled “Habitat Conservation Plan for the Stephens' Kangaroo Rat” in the Final EIR/EIS. As

described later, Federal Highway Administration (FHWA) conducted Section 7 consultation with the USFWS for the take of SKR by the preferred alternative.

Take of SKR outside the boundary of the HCP for SKR but within the Western Riverside County MSHCP plan area is covered by compliance with the Western Riverside County MSHCP. The SKR is a fully covered species under the Western Riverside County MSHCP. Therefore, as a Covered Project, the impacts of the MCP on SKR outside the HCP for SKR plan area are mitigated by the RCTC's mitigation commitments in the Western Riverside County MSHCP, Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation, and DBESP Addendum provided in Appendix T of this Final EIR/EIS.

S.5.2.2 Potential for Direct Impacts of the MCP Project on Stephens' Kangaroo Rat and Stephens' Kangaroo Rat Habitat

The BSA shown on Figure 3.17-2 on page 3.17-9 in the Final EIR/EIS includes part of an SKR Core Reserve area. However, as shown on that figure and indicated in the note on the figure, the maximum disturbance limits of the preferred alternative do not result in direct impacts to those SKR Core Reserve areas. To clarify this, the first sentence in the first paragraph in the subsection titled "Habitat Conservation Plan for Stephens' Kangaroo Rat" on page 3.17-55 in Section 3.17.3.1, Permanent Impacts, in the Final EIR/EIS was revised to read (changes shown in italics): "The MCP project is in the *vicinity of* the Habitat Conservation Plan Area for the Stephens' Kangaroo Rat fee area. *Specifically, the BSA includes part of one SKR Core Reserve. However, Alternative 4 Modified, Alternative 5 Modified, and Alternative 9 Modified will not directly impact that Core Reserve.*"

S.5.2.3 Potential for Indirect Impacts of the MCP Project on Stephens' Kangaroo Rat and Stephens' Kangaroo Rat Habitat

As discussed in the subsection titled "Indirect Effects (All Threatened and Endangered Species)" on page 3.21-16 in Section 3.21.3.1, Project Impacts, in the Final EIR/EIS, the preferred alternative would result in indirect impacts to potential SKR habitat; which could include light and noise effects on the SKR. All potential coastal sage scrub and nonnative grassland communities are considered potential SKR habitat, as described in Table 3.21.B. on page 3.21-7 in the Final EIR/EIS. For clarification, the second sentence in the first paragraph in the subsection titled "Indirect Effects (All Threatened and Endangered Species)" on page 3.21-16 in the Final EIR/EIS was revised to read: "Indirect impacts on the remaining threatened and endangered species and critical habitats discussed above *are included in the permanent impact calculations and* may result from edge effects such as..."

The HCP for SKR reserve boundaries were created with the understanding that development could occur outside those reserve boundaries that could result in edge and indirect effects in areas within the boundaries of the HCP for SKR. As discussed in detail in the subsection titled “Compliance with the Western Riverside County MSHCP Urban/Wildlands Interface Guidelines” starting on 3.17-36 in the Final EIR/EIS, the indirect effects of the preferred alternative on the San Jacinto Wildlife Area, including on SKR in designated SKR habitat, would be avoided or substantially reduced based on compliance with those Guidelines. The preferred alternative for the MCP project will comply with these Guidelines consistent with RCTC’s obligations as a Permittee under the Western Riverside County MSHCP.

S.5.2.4 Potential to Contribute to Cumulative Impacts on Stephens’ Kangaroo Rat and Stephens’ Kangaroo Rat Habitat

The Final EIR/EIS discusses the potential for the project to contribute to cumulative impacts for resources of concern such as the SKR. As discussed in the fifth paragraph in the subsection titled “Build Alternatives” on page 3.25-51 in the Final EIR/EIS, “...the MCP project “may affect, likely to adversely affect” the Stephens’ kangaroo rat.” However, the Build Alternatives would not result in direct effects to Core Reserve lands in the HCP for SKR. For the segments of the preferred alternative within the boundaries of the HCP for SKR but outside the Core Reserve boundaries, because that reserve system was created with a large enough area to support SKR within the HCP for SKR Plan area, the MCP project take of SKR outside that Reserve Area would not jeopardize the continued existence of the SKR. Therefore, the preferred alternative would not contribute to cumulative impacts related to the HCP for SKR because that plan and the Western Riverside County MSHCP were developed in the context of overall development in western Riverside County to provide conservation and reserve areas to mitigate for the cumulative impacts to species covered under those two plans, including SKR.

Project consistency with the Western Riverside County MSHCP and the HCP for SKR ensure that the cumulative impacts to SKR are effectively mitigated. In addition, the other cumulative projects would undergo review by the USFWS and CDFW as part of the MSHCP consistency review process (and Section 7 consultation with the USFWS for projects that involve a federal action) to ensure that they do not jeopardize the continued existence of listed species such as SKR.

S.5.2.5 Section 7 Consultation and Biological Opinion for the Stephens' Kangaroo Rat

The project impacts on SKR and measures to avoid, minimize, and/or mitigate those effects are addressed in the Biological Opinion from the USFWS provided in Appendix W, Biological Opinion. Based on the measures described in the DBESPs included in the MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis MSHCP provided in Appendix T, RCTC will provide mitigation for Stephens' kangaroo rat as part of the mitigation acreage to be acquired to offset impacts to riparian-alkaline communities in the San Jacinto River floodplain. Prior to the start of construction, the RCTC Project Manager will ensure take of Stephens' kangaroo rat is authorized for areas of disturbance to occupied habitat of the Stephens' kangaroo rat through implementation of the measures described in the DBESP for riparian-alkaline communities in the San Jacinto River floodplain included in the MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis provided in Appendix T.

S.5.3 Master Response Related to the San Jacinto River Bridge

A number of comments raised questions regarding the design of the bridges for the San Jacinto River Bridge Design Variation (SJRBDV) and the differences between the SJRBDV and the SJRB Base Case for the bridges across the San Jacinto River in the Lakeview area regarding the design and potential environmental effects of those bridges.

The analysis of the potential impacts of the MCP Build Alternatives on the San Jacinto River floodplain, provided in Section 3.9, Hydrology and Floodplains, in the Final EIR/EIS was based on 35 percent design plans. That level of design was sufficient to identify the potential project impacts on that floodplain and mitigation to address the potential MCP project effects related to the San Jacinto River hydrology and floodplain. The measure addressing those effects is provided in Section 3.9.4, Avoidance, Minimization, and/or Mitigation Measures, on page 3.9-28 in the Final EIR/EIS.

S.5.3.1 Characteristics of the Bridges Across the San Jacinto River

All the MCP Build Alternatives would cross the San Jacinto River on the same alignment for the SJRB Base Case or SJRBDV. Figures S.5.3.1 and S.5.3.2 show the plans and profiles for the Base Case and the Design Variation, respectively.

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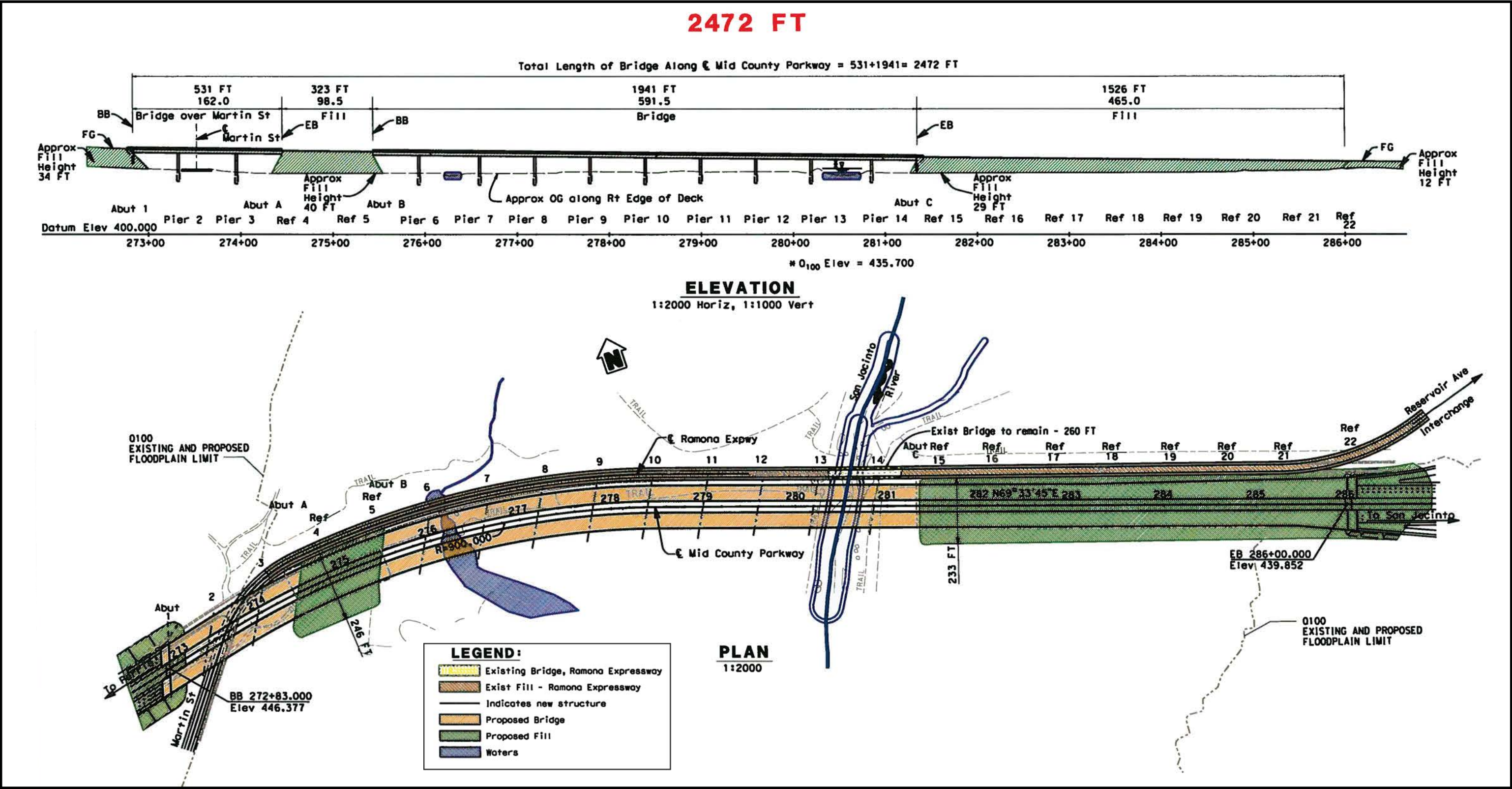
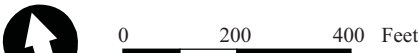


Figure S.5.3.2



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Those figures were also added to as Figures 2.3.1.d and 2.3.1.e, on pages 2-19 and 2-21 in the subsection titled “Bridges for Water and Natural Resource Crossings” in Chapter 2 in the Final EIR/EIS. Those figures show the placement of the bridges and fill areas in and across the floodplain for the SJRB Base Case and Design Variation.

The layout of the bridges for the SJRB Base Case and SJRB DV is similar. As shown on Figure S.5.3.1, the Base Case proposes two parallel three-lane bridges, one for westbound traffic and one for eastbound traffic. The SJRB DV also proposes parallel three-lane bridges, with separate bridges for westbound and eastbound traffic. The most substantial difference between the Base Case and the SJRB DV is that the Base Case proposes two long bridges, one for westbound traffic and one for eastbound traffic, and, as shown on Figure S.5.3.2, the SJRB DV proposes a total of four shorter bridges, two in each direction, one set for westbound traffic and one set for eastbound traffic. The bridges under the Base Case would be on columns across the floodplain and each would be approximately 4,321 ft long. The two bridges in each direction under the SJRB DV would be approximately 1,941 ft long on columns and 531 ft long, respectively. As shown on Figure S.5.3.2, the SJRB DV would include a total of 1,849 linear feet of the MCP facility that would be constructed on fill rather than on bridge structures. The bridges under the Base Case and the SJRB DV would not result in longitudinal encroachments in the 100-year floodplain for the San Jacinto River.

S.5.3.2 Fill Amounts under the Base Case and the SJRB DV Crossings of the San Jacinto River

As shown on Figure S.5.3.1, the Base Case crossing would result in the placement of fill at each end of the two bridges. As shown on Figure S.5.3.2, the SJRB DV would result the placement of a total 1,849 linear feet of fill at the ends of the bridges (1,526 linear feet at the east end of the bridges and 323 linear feet between the pair of bridges on the western part of the bridges). As a result, the SJRB DV would result in the placement of more fill in the floodplain than the Base Case because it would span less of the floodplain than the Base Case.

S.5.3.3 Limits of Jurisdictional Waters under the SJRB Base Case and the SJRB DV Crossings of the San Jacinto River

The Base Case and the SJRB DV would result in same temporary and permanent impacts to jurisdictional waters under all three Build Alternatives. Table S.5.3.1 summarizes the total permanent impacts to wetlands and other jurisdictional waters for the Build Alternatives. As shown in that table, the permanent effects are the same under each Build Alternative for the Base Case and the Design Variation.

Table S.5.3.1 Summary of Permanent Effects of the Build Alternatives on Wetlands and Other Jurisdictional Waters

Alternative	Permanent Impacts (acres)			
	CDFW	USACE		
		Nonwetland Waters	Wetlands	Total
Alternative 4 Modified SJRB Base Case	9.23	5.01	2.18	7.19
Alternative 4 Modified SJN DV	8.90	4.55	2.04	6.59
Alternative 4 Modified SJRB DV	9.23	5.01	2.18	7.19
Alternative 5 Modified SJRB Base Case	9.19	5.18	2.11	7.29
Alternative 5 Modified SJRB DV	9.19	5.18	2.11	7.29
Alternative 5 Modified SJN DV	8.85	4.73	1.97	6.70
Alternative 9 Modified SJRB Base Case	9.00	5.03	2.15	7.17
Alternative 9 Modified	9.00	5.03	2.15	7.17
Alternative 9 Modified SJN DV	8.66	4.58	2.01	6.59
Preferred Alternative (Alternative 9 Modified with the SJRB DV)	7.94	4.36	0.64	5.00

Source: Tables 3.18.B and 3.18.I in the Final EIR/EIS.

CDFW = California Department of Fish and Wildlife

EIR = Environmental Impact Report

EIS = Environmental Impact Statement

SJN DV = San Jacinto North Design Variation

SJRB Base Case = San Jacinto River Bridge Base Case

SJRB DV = San Jacinto River Bridge Division Variation

USACE = United States Army Corps of Engineers

This is because the bridge crossing of the San Jacinto River in the Lakeview area was designed so that the bridge piers are sited to span outside the jurisdictional waters, as summarized in Attachment D in Appendix I in the Final EIR/EIS.

Table S.5.3.2 summarizes the temporary impacts to wetlands and other jurisdictional waters for the Build Alternatives.

S.5.3.4 Hydrology/Hydraulic Effects of the SJRB Base Case and the SJRB DV

The analysis of the potential effects of the SJRB Base Case and the SJRB DV on the San Jacinto River upstream and downstream of the proposed MCP bridges is summarized in Section 3.9, Hydrology and Floodplains, in the Final EIR/EIS.

Concerns were raised in comments on the Recirculated Draft EIR/Supplemental Draft EIS regarding the potential impacts of those bridges upstream and downstream on the River. The existing and proposed bridge conditions are described in detail below; this additional discussion was added starting on page 3.9-19 in Section 3.9 in the Final EIR/EIS.

Table S.5.3.2 Summary of Temporary Effects of the Build Alternatives on Wetlands and Other Jurisdictional Waters

Alternative	Temporary Impacts (acres)			
	CDFW	USACE		
		Nonwetlands	Wetlands	Total
Alternative 4 Modified SJRB Base Case	5.48	2.28	3.78	6.06
Alternative 4 Modified SJN DV	4.10	2.10	1.95	4.05
Alternative 4 Modified SJRB DV	5.48	2.28	3.78	6.06
Alternative 5 Modified SJRB Base Case	3.96	1.41	3.11	4.53
Alternative 5 Modified SJN DV	2.58	1.24	1.28	2.52
Alternative 5 Modified SJRB DV	3.96	1.41	3.11	4.53
Alternative 9 Modified SJRB Base Case	4.69	1.63	3.63	5.26
Alternative 9 Modified SJRB DV	4.69	1.63	3.63	5.26
Alternative 9 Modified SJN DV	3.31	1.45	1.80	3.25
Preferred Alternative (Alternative 9 Modified with the SJRB DV)	3.63	1.99	4.69	6.68

Source: Tables 3.18.G and 3.18.I in the Final EIR/EIS.

CDFW = California Department of Fish and Wildlife

EIR = Environmental Impact Report

EIS = Environmental Impact Statement

SJN DV = San Jacinto North Design Variation

SJRB Base Case = San Jacinto River Bridge Base Case

SJRB DV = San Jacinto River Bridge Division Variation

USACE = United States Army Corps of Engineers

The existing Ramona Expressway Bridge across the San Jacinto River would not be modified or otherwise affected by the proposed bridges in the SJRB Base Case or the SJRB DV under any of the MCP Build Alternatives. The existing Ramona Expressway Bridge currently contains the 10- and 25-year flows of the San Jacinto River. During 100-year events, the river flows over the top of that existing bridge. Because the existing Ramona Expressway Bridge will remain in place, it will control the movement of water in the San Jacinto River as it does today.

The 100-year floodplain for the area upstream (north) of the MCP crossing of the San Jacinto River extends into the San Jacinto Wildlife Area.

Effects of the SJRB Design Variation

Although the SJRB DV includes two sections of bridge structures (531 linear feet and 1,941 linear feet, respectively) and a total of 1,849 linear feet of fill on either end of the eastern pair of bridges (a total of approximately 10 acres of fill), this encroachment into the San Jacinto River 100-year floodplain will not result in hydrologic/hydraulic or biological impacts to the San Jacinto River. The analysis determined that there would be a maximum of 0.16 ft of water surface elevation (WSE) change (an increase) in the 100-year floodplain upstream as a result of the SJRB DV. With the SJRB DV, the water surface upstream of the existing Ramona Expressway Bridge would rise a maximum of 0.16 ft (1.9-inches), and the flow

velocity would decrease by a maximum of approximately 0.6 ft per second (fps) for a reach spanning approximately 82 ft upstream of the existing Ramona Expressway bridge structure. That rise in the WSE would be minimal. The 0.66 ft rise in flow depth in a 100-year event represents a 1.3 percent increase in the calculated flow depth which would not be observable in a 100-year event. This calculation is the numerical difference in a hydraulic model, which is beyond the precision warranted for a river system the size of the San Jacinto River. However, the corresponding decrease in flow velocity would represent a 9 percent reduction in the erosive potential of the river. This would be a measurable benefit to the San Jacinto River, which would reduce the erosive potential of the river during a 100-year event.

The behavior of water downstream of the SJRB DV would be controlled by the existing Ramona Expressway Bridge, which would not be changed by the MCP Build Alternatives. The river downstream of the SJRB DV would not experience any change in WSE and flow rate/velocity as a result of the SJRB DV. In the existing condition and with the SJRB DV condition, the area downstream of the SJRB DV would have a flow depth of approximately 8.73 ft and a flow velocity of 2.4 fps. As a result, because of the existing Ramona Expressway Bridge, there would be no discernible change in the WSE or water footprint downstream of the SJRB DV as a result of the fill needed to construct the SJRB DV. Because there would be no change to the existing downstream conditions with the SJRB DV, there would be no change to existing biological resources downstream of the SJRB DV.

The area between the existing Ramona Expressway Bridge and the proposed SJRB DV is approximately 4,000 ft long and approximately 118 ft wide. The area between these bridges would be affected by the new SJRB DV bridge abutments and would experience a WSE rise of 3.2 ft although this increase in the WSE would only occur in an approximately 26 ft wide area upstream of the SJRB DV and downstream of the existing Ramona Expressway Bridge. This area would also experience a WSE elevation change, which would be a benefit because the flow velocity would decrease by 4.3 fps that would reduce the erosive potential of the river during a 100-year event.

Summary

In summary, based on the analysis described above, although the fill for the SJRB DV would be within the mapped 100-year floodplain, it would not substantially modify the hydrology or hydraulics of the San Jacinto River. Because of the control provided by the existing bridge on the Ramona Expressway, the 1,849 linear feet of fill section associated with the SJRB DV would result in negligible changes to the WSE associated with the 100-year event. There would be no changes to the floodplain

limits downstream and very limited changes upstream, such that the total floodplain area would not be substantially modified under either the Base Case or the SJRB DV. The existing Ramona Expressway Bridge would remain in place and would control water movement for the Base Case bridge and the SJRB DV. As a result, the Base Case bridge and the SJRB DV would not result in substantial changes to the existing conditions relative to the floodplain area and flow characteristics, including the velocity of flow. For the area between the existing Ramona Expressway Bridge and the SJRB DV, there would be an increase in the area of land that is currently not underwater but which would be underwater during a 100-year event.

S.5.3.5 Biological Resources Effects of the San Jacinto River Bridge Base Case and Design Variation

As shown in Table 3.17.G, Impacts to Habitat Suitable for Long-Term Conservation of Additional Survey Species, on page 3.17-37 in the Final EIR/EIS, Alternative 9 Modified (Base Case) would result in 2.72 acres of permanent impacts to smooth tarplant and 1.99 acres of permanent impacts to Coulter's goldfields. Alternative 9 Modified SJRB DV (the preferred alternative) would result in slightly more permanent impacts to those special-status plant species, at 2.73 acres of permanent impacts to smooth tarplant (0.01 acre more than the Base Case) and 2.25 acres of permanent impacts to Coulter's goldfields (0.26 acre more than the design variation).

As discussed in Section 3.17.3.2, Temporary Impacts, starting on page 3.17-57 in the Final EIR/EIS, all impacts to species within the MCP footprint, even at these bridged locations are considered permanent to account for the worst-case scenario that temporary construction access within the footprint and shading impacts would not be restored to preconstruction activities. Only impacts at riparian/riverine areas and USACE and CDFW jurisdictional areas at bridged areas were differentiated as permanent or temporary impacts. Therefore, all temporary impacts to smooth tarplant and Coulter's goldfields species are included within the calculations of permanent impacts described above.

Localized increases in water velocity following major floods due to changes in river hydraulics caused by placement of bridge columns, abutments, and fill, could result in indirect effects on San Jacinto Valley crowscale and spreading navarretia. Because there would be negligible changes to the velocity and WSE elevations upstream of the existing Ramona Expressway Bridge (see discussion above in Section S.5.3.4), and no observable difference downstream of the SJRB DV from existing 100-year conditions, there would not be any expected impacts to biological resources (i.e.,

plants) in areas upstream of the Ramona Expressway Bridge and downstream of the SJRB DV.

RCTC will provide mitigation for the loss of area that supports habitat suitable for long-term conservation for San Jacinto Valley crownscale, spreading navarretia, Coulter's goldfields, and smooth tarplant (as shown in Figure 3.17.3 in the Final EIR/EIS), as well as alkali communities in the San Jacinto River floodplain at Lakeview, as described in Table 3.17.D on page 3.17-22 and discussed on page 3.17-21 in Final EIR/EIS.

Mitigation specified in the DBESP for each of the biological resources impacted within the project footprint, including the area between the existing Ramona Expressway and the MCP bridges are described in Section 4.0, Compliance with MSHCP Survey Requirements, in the *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent Superior Preservation Analysis*, which is provided in Appendix T, in the Final EIR/EIS.

S.5.3.6 San Jacinto River Bridge Crossing included in the Preferred Alternative

The process used to evaluate the alternatives and identify the preferred alternative for the MCP project is described in detail Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. As discussed in Section 2.5.5, Alternative 9 Modified with the San Jacinto River Bridge Design Variation was identified as the preferred alternative.

S.6 Comments and Responses

The comments received on the Recirculated Draft EIR/Supplemental Draft EIS during the public comment period and the responses to those comments are provided in the following sections. As discussed earlier in Section S.5, where multiple comments raise the same or similar issue or concern, a Master Response was prepared to address the specific issue comprehensively. The Master Responses were used when applicable to respond to the comments provided in this section. The responses to the comments are provided following the last page of the coded letter in each category (i.e., federal agency comment letters are followed by the responses to those comments; state agency comment letters are followed by the responses to those comments, etc.).

A number of the comment letters included introductory information, summaries of material from the MCP environmental documents, and other information that did not raise specific environmental issues that would require a response under Section 15088

of the State CEQA Guidelines. As a result, those parts of the comment letters were not bracketed, and no responses were provided related to those sections of the letters. However, RCTC has reviewed and responded to all the substantive comments in these comment letters and determined that the sections of the letters that were not bracketed did not make substantive comments that required substantive responses.

Appendices Included in the Final EIR/EIS

In addition to Appendices A through R provided in the Recirculated Draft EIR/Supplemental Draft EIS, the following appendices were incorporated in the Final EIR/EIS for the MCP project:

- **Appendix S:** Responses to Comments on the Recirculated Draft EIR/Supplemental Draft EIS
- **Appendix T:** Western Riverside County Multiple Species Habitat Conservation Plan Consistency Determination
- **Appendix U:** Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project
- **Appendix V:** Responses to Comments on the “Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)”
- **Appendix W:** Biological Opinion

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S.6.1 Federal Agency Comments and Responses

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BECHTEL INFRASTRUCTURE
CORPORATIONU.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

January 28, 2013

Ms. Cathy Bechtel
Riverside County Transportation Commission (RCTC)
P. O. Box 12008
Riverside, California 92502

Dear Ms. Bechtel:

This is in response to your request for comments regarding Mid County Parkway Project Public Notice, Notice of Availability of Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement and Notice of Public Hearing, Riverside County, California.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Riverside (Community Number 060245), Maps revised August 28, 2008. Please note that the County of Riverside, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

F-1-1

F-1-2

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

↑
F-1-2

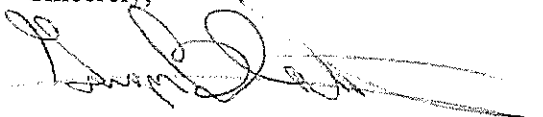
Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Riverside County floodplain manager can be reached by calling Michael Lara, Director, Building and Safety Division, at (951) 955-2514.

F-1-3

If you have any questions or concerns, please do not hesitate to call Frank Mansell of the Mitigation staff at (510) 627-7191.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Michael Lara, Director, Building and Safety Division, County of Riverside
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources,
Southern Region Office
Frank Mansell, NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

F-1-1

Section 3.9.2.2, Floodplain Description, on page 3.9-5 in Section 3.9, Hydrology and Floodplains, in the Final EIR/EIS, indicates that Flood Insurance Rate Map (FIRM) maps dated August 28, 2008, the most recently available FIRM maps, were reviewed for the MCP project. Figure 3.9.2, on page 3.9-7 in Section 3.9, shows the 100-year Federal Emergency Management Agency (FEMA)-mapped floodplains and floodways in the MCP study area.

The following was inserted in four places in the subsection titled “Risk to Life and Property” in Section 3.9 in the Final EIR/EIS: “The minimum, basic National Flood Insurance Program (NFIP) floodplain management building requirements as listed in 44 Code of Federal Regulations Sections 59 through 65 will be met by the design of project structures in and near floodplains.”

This was inserted at the following locations:

- At the end of the first paragraph in the subsection titled “Perris Valley Storm Drain” on page 3.9-17
- At the end of the first paragraph in the subsection titled “San Jacinto River Bridge” on page 3.9-18
- At the end of the first paragraph in the subsection titled “San Jacinto River Bridge Design Variation” on page 3.9-19
- At the end of the first paragraph in the subsection titled “San Jacinto River at the SR-79 Interchange” on page 3.9-22

Refer also to the response to comment F-1-2, below, for additional discussion regarding the NFIP building requirements.

F-1-2

The MCP project is a road project that does not include the construction of any buildings. Therefore, the NFIP building requirement to locate the lowest floor of buildings at or above the Base Flood Elevation (BFE) is not applicable to the MCP project. However, the roadway in the MCP Build Alternatives will be above the BFE.

The FEMA guidelines limit the water surface elevation increase to 1.0 foot (ft) within a floodplain and 0 ft within a floodway. These criteria were applied to the conceptual designs of the MCP bridge crossings and will be applied during final design of the bridge crossings to ensure that the MCP bridges meet these FEMA guidelines.

Location Hydraulic Studies were prepared for the bridges as described on page 3.9-1 in Section 3.9.2, Affected Environment, in Section 3.9 in the Final EIR/EIS. Those

studies document the effect the MCP bridges would have on the existing floodplain and BFE based on 35 percent design plans. Specifically, the *Summary Floodplain Encroachment Report* (2011) noted that the MCP project would not involve a significant encroachment into the 100-year base floodplain, be inconsistent with existing watershed and floodplain management programs, or result in incompatible floodplain development. As discussed in the subsection titled “Risks to Life and Property” starting on page 3.9-14 in the Final EIR/EIS, the Build Alternatives would not result in increase in the BFEs in the Perris Valley Storm Drain and San Jacinto River floodways. The minimum, basic National Flood Insurance Program (NFIP) floodplain management building requirements as listed in 44 Code of Federal Regulations Sections 59 through 65 will be met by the design of the project structures in and near floodplains associated with the Perris Valley Storm Drain and the San Jacinto River.

As described in the subsection titled “Perris Valley Storm Drain” starting on page 3.9-5 and on Figure 3.9.2 in the Final EIR/EIS, “South of Ramona Expressway, the Perris Valley Storm Drain is within a mapped Zone AE (special flood hazard areas subject to inundation by the 1 percent annual chance flood with base flood elevations determined) and shaded Zone X (areas of 0.2 percent annual chance flood, areas of 1 percent annual chance flood with average depths of less than 1 foot (ft) or with drainage areas less than 1 square mile, and areas protected by levees from 1 percent annual chance flood). Portions of the Perris Valley Storm Drain are designated as a floodway, which is defined as the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachments so that the 1 percent annual chance flood can be carried without substantial increases in flood heights. Just north of Ramona Expressway, the floodplain transitions to Zone A (special flood hazard areas subject to inundation by the 1 percent annual chance flood with no base flood elevations determined).” In the subsection titled “San Jacinto River” on page 3.9-9 and on Figure 3.9.2 in the Final EIR/EIS, “Near Lakeview Avenue, the Ramona Expressway crosses the San Jacinto River. At this location, north of the Ramona Expressway, the San Jacinto River is within a mapped Zone AE and shaded Zone X, with portions designed as a floodway. South of the Ramona Expressway, the floodplain is designated as Zone A.” As a result, after completion of construction of the MCP facility in these flood zones for the Perris Valley Storm Drain and the San Jacinto River, RCTC will notify FEMA of any changes in these floodplains as a result of the MCP project, as described in the subsection titled “Conditional Letter of Map Revision/Letter of Map Revision” on page 3.9-23 in the Final EIR/EIS.

As specified in Measure FP-1 on page 3.9-28 in Section 3.9.4, Avoidance, Minimization, and Mitigation Measures, in the Final EIR/EIS, a *Final Location Hydraulic Study* based on final plans will be provided to FEMA in order to process a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). To obtain the map revisions, the *Final Location Hydraulic Study* will need to demonstrate that the MCP project meets the FEMA guidelines.

F-1-3

Based on correspondence with the Riverside County Flood Control and Water Conservation District (RCFCWCD), the RCFCWCD does not have requirements that would be in addition to or more restrictive than the minimum federal building standards for facilities such as the MCP project (email May 7, 2013, from Mr. Theo Sanchez, RCFCWCD Floodplain Management, 951-955-0621).

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United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush Street, Suite 515
San Francisco, CA 94104

IN REPLY REFER TO:
ER# 13/055

Electronically Filed

11 March 2013

Ms. Cathy Bechtel
Riverside County Transportation Commission
P.O. Box 12008
Riverside, CA 92502

Subject: Supplemental Draft Environmental Impact Statement and Revised Section 4(f)
Evaluation for the Mid County Parkway, a New Freeway from the City of Perris
to the City of San Jacinto, Riverside County, CA

Dear Ms. Bechtel,

Thank you for the opportunity to comment on the Section 4(f) Evaluation for the Mid-County Parkway Project, Riverside County, CA. The Department of the Interior (Department) has reviewed the document and submits these comments to you for your consideration..

Section 4(f) Evaluation Comments

Following our review of the Section 4(f) Evaluation, the Department concurs that there is no feasible and prudent alternative to the proposed use of Section 4(f) properties and that all measures have been taken to minimize harm to these resources.

F-2-1

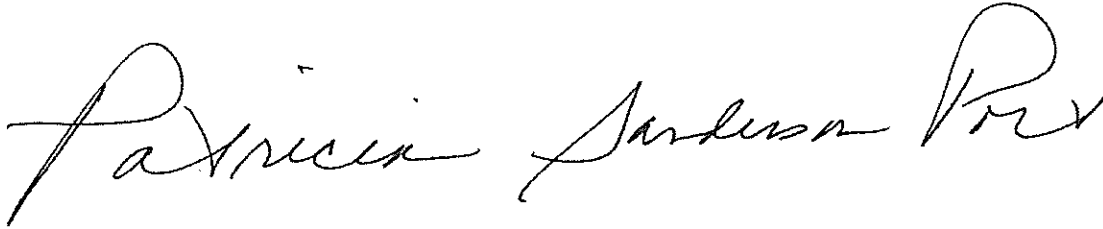
We acknowledge your consultation with the SHPO and will prepare a Memorandum of Agreement to minimize adverse effects to these properties.

F-2-2

We appreciate the opportunity to review this document.

Should you have questions about the Section 4(f) comments, please contact Alan Schmierer, National Park Service, Pacific West Regional Office, 415-623-2315.

Sincerely,

A handwritten signature in black ink, reading "Patricia Sanderson Port". The signature is fluid and cursive, with the first name "Patricia" being the most prominent.

Patricia Sanderson Port
Regional Environmental Officer

Cc:
Director, OEPC
OEPC Staff Contact: Dave Sire
FHWA
Caltrans
SHPO-CA
NPS-WASO-EQD
NPS: Alan Schmierer

This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

F-2-1

This comment documents the concurrence of the Department of the Interior that there is no feasible and prudent alternative to the proposed use of Section 4(f) properties by the MCP project and that all measures have been taken to minimize harm to those resources. Please note that, as part of the continuing refinement of the MCP project, an approximately 1.5-mile long segment of the alignment of Alternative 9 Modified, the preferred alternative, was shifted south, away from the San Jacinto Wildlife Area. As a result, the MCP project will no longer require the permanent incorporation of any land from the San Jacinto Wildlife Area into a transportation facility. Refer to Section 2.5.6.1, Alignment Refinement in the Vicinity of the San Jacinto Wildlife Area, on page 2-98, for additional discussion regarding the realignment of Alternative 9 Modified away from the San Jacinto Wildlife Area. No further response is necessary.

F-2-2

A Memorandum of Agreement (MOA) was developed to minimize adverse effects of the MCP Build Alternatives on historic properties. New Section 5.7.5, Memorandum of Agreement, starting on page 5-48 in Chapter 5, Comments and Coordination, in the Final EIR/EIS, describes the consultation process for the MOA and the measures included in the MOA to minimize the project effects on historic properties. The MOA is provided in Appendix U, Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project, in the Final EIR/EIS.

¹ Section 15088(a) of the CEQA Guidelines notes that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

APR 5 2013

F-3

Tay Dam
Federal Highway Administration
Los Angeles Metro Office
888 S. Figueroa Street, Suite 1850
Los Angeles, CA 90017

Subject: EPA comments on the Supplemental Draft Environmental Impact Statement for Mid County Parkway, Riverside County, California (CEQ # 20130015)

Dear Mr. Dam:

The U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (EIS) for the Mid County Parkway (MCP), Riverside County, California. Our comments are provided under the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act. Based upon our review, we have rated the proposed action as *Environmental Concerns- Insufficient Information (EC-2)*. See attached "Summary of the EPA Rating System" for a description of the rating. The basis for the rating is summarized below and further detailed in our enclosed comments.

Federal Highway Administration, Caltrans, and Riverside County Transportation Commission have prepared a Supplemental Draft EIS to improve east-west transportation in western Riverside County between Interstate 215 in the west and State Route (SR) 79 in the east. The Draft EIS examined a larger 32-mile corridor from SR 79 further west to Interstate 15. EPA provided comments on the Draft EIS on January 8, 2009, rating the proposed action as *Environmental Concerns-Insufficient Information (EC-2)*, and subsequently reviewed an Administrative Supplemental Draft EIS on February 6, 2012. The project has followed the National Environmental Policy Act and Clean Water Action Section 404 Integration Process for Federal Aid Surface Transportation Projects in California Memorandum of Understanding (NEPA/404 MOU). EPA participates in the MCP Small Working Group which provides an interagency forum for early feedback during the development of the EIS and facilitates the NEPA/404 MOU process. EPA has provided agreement on the project's revised purpose and need statement (July 21, 2010), agreement on the modified range of alternatives to carry forward in the Supplemental Draft EIS (January 31, 2011), and comments on several revised draft technical documents which support the Supplemental Draft EIS.

In the attached detailed comments, EPA expresses environmental concerns with the project's impacts to: 1) the San Jacinto River floodway from the San Jacinto River Bridge Design Variation and, 2) the Perris Valley Storm Drain channel that could potentially limit future setback levee flood protection designs from the Alternative 4 Modified proposed bridge that parallels the channel. EPA also recommends utilizing a watershed approach, consistent with the 2008 U.S. Army Corps of Engineers and EPA

F-3-1

F-3-2

Compensatory Mitigation Rule, to identify the most beneficial opportunities to mitigate for impacts to Waters of the U.S. EPA also provides comments to further minimize impacts to a neighborhood in the City of Perris that will be divided by Alternative 9 Modified; to continue working closely with tribal governments and groups to address affected tribal sites that are eligible for listing in the National Register of Historic Places; and, when available, to use U.S. EPA Tier 3 and Tier 4 construction equipment to further reduce construction emissions. EPA

F-3-

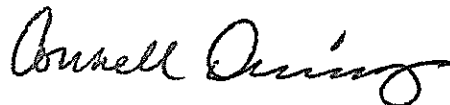
As next steps for this project, EPA will continue to engage in the Small Working Group and provide comments as described in the NEPA/404 MOU and pursuant to NEPA, CEQ regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. We are also available to continue working with the Small Working Group to further refine the design of project alternatives to avoid and minimize impacts to resources and to discuss mitigation options.

F-3-2

Thank you for the opportunity to comment on the Supplemental Draft EIS. We look forward to continued coordination on this project. When the Final EIS is released for public review, please send one hard copy and three electronic copies to the address above (mail code: CED-2) at the same time it is officially filed with our Washington, D.C. Office. If you have any questions, please contact Susan Sturges, the lead reviewer for this project, at 415-947-4188 or sturges.susan@epa.gov.

F-3-2

Sincerely,



Connell Dunning, Transportation Team
Supervisor
Environmental Review Office
Communities and Ecosystems Division

CC via email: Marie Petry, Caltrans District 8
Cathy Bechtel, Riverside County Transportation Commission
Shawn Oliver, Federal Highway Administration
Karin Cleary-Rose, U.S. Fish and Wildlife Service
Susan Meyer, U.S. Army Corps of Engineers
Jeff Brandt, California Department of Fish and Game
Rob McCann, LSA Associates, Inc.
John Chisholm, Caltrans District 11

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Perris Valley Storm Drain

Based on the information provided, EPA has concerns with the Alternative 4 Modified bridge alignment that would parallel the Perris Valley Storm Drain. In addition to having greater impacts to the channel, the Supplemental Draft Environmental Impact Statement (EIS) indicates that this alternative would also require bridge piers temporarily located in the 100-year floodplain until future levees are constructed. EPA is concerned that locating the bridge next to the channel would potentially limit future flood control project designs; specifically that it would preclude the use of setback levees resulting in levees adjacent to the channel. Confined channels typically degrade faster and more significantly during flood events than do channels with an active floodplain. In contrast, bridge designs for Alternatives 5 Modified and 9 Modified cross the channel perpendicular to flow and would have less impact on the channel and would not have the same limiting effect on future flood project designs.

F-3-3

Recommendation: EPA recommends that Caltrans not identify Alternative 4 Modified Perris Valley Storm Drain bridge alignment as the preferred alternative due to greater impacts on the channel and potential to limit flood control opportunities in the future.

San Jacinto River Bridge at Lakeview

Due to the reduced floodway encroachment, the San Jacinto River Bridge proposal is environmentally preferable to its Design Variation. The bridge would be built for all three Alternatives (4 Modified, 5 Modified, and 9 Modified) and would include a 4,321 ft. deck on columns crossing perpendicular to flow, as shown in Figure 3.9.4 in the Supplemental Draft EIS. Alternatively, the Design Variation shown in Figure 3.9.5 would include two sections on columns (531 ft. and 1,941 ft.) and 1,849 linear ft. of fill on either end of the bridges resulting in encroachment in the San Jacinto River 100-year floodplain. The Design Variation would result in structures (fill) in the San Jacinto River floodplain. Placing fill that would obstruct 100-year flood flows could result in impacts to the river upstream and downstream of the bridge.

F-3-4

Recommendation: EPA recommends that Caltrans commit to the San Jacinto River Bridge proposal because it would result in fewer impacts to the 100-year floodplain.

Clean Water Act (CWA) Section 404 Mitigation

The Conceptual Mitigation Plan (Appendix M) is intended to comply with the 2008 Corps and EPA Compensatory Mitigation Rule and lays out a framework for the future approach to offsetting unavoidable impacts. The EPA appreciates the commitment to work with state and federal agencies to develop a compensatory mitigation plan and requests having the Small Work Group further discuss mitigation in preparation for the project's forthcoming preliminary Least Environmental Damaging Practicable Alternative (LEDPA) checkpoint under the National Environmental Policy Act and Section 404 Integration Process Memorandum of Understanding (MOU). Potential on- and off-site mitigation opportunities have been identified and mapped in the Supplemental Draft EIS. Many of these locations may not be ideal given their proximity to the proposed Mid County Parkway (MCP) alignment, the heavily degraded condition of the resource (i.e., ditches, concrete lining), and the effects of surrounding land use (i.e., agriculture, quarries, development, roadways). Consistent with the requirements of the Mitigation Rule, Federal Highway Administration (FHWA) and Riverside County Transportation Commission (RCTC) should implement a watershed approach to determine what potential mitigation sites are appropriate. Existing plans, like the Western Riverside County Multi Species Habitat

F-3-5



Conservation Plan and the San Jacinto/Santa Margarita River Watersheds Special Area Management Plan, should be used to identify stream and wetland mitigation projects that would be of greatest benefit. Third-party mitigation banks and/or in-lieu fee programs should also be explored. These discussions should begin well before submitting an application to the Corps for a Section 404 permit and the applicant should work toward completing mitigation before project impacts occur to avoid or minimize temporal impacts.

F-3-5

Recommendation: In preparation for the preliminary LEDPA checkpoint and the Final EIS, include EPA and other federal and state agencies, in compensatory mitigation discussions early on and utilize a watershed approach, consistent with the Mitigation Rule, to identify the most beneficial opportunities. Update the conceptual mitigation plan, reflecting agency coordination and more targeted mitigation options in the watershed, and include the updated plan in the Final EIS.

Coordination and Consultation with Tribal Governments

Chapter 5 of the Supplemental Draft EIS documents extensive outreach and coordination beginning in February 2005 with a number of tribes, including but not limited to the Morongo Band of Indians (Morongo), Agua Caliente Band of Cahuilla Indians, Temecula Band of Luiseño Mission Indians, Cahuilla Band of Indians (Cahuilla), Gabrieleno/Tongva-San Gabriel Band of Mission Indians (Gabrieleno/Tongva-San Gabriel), Ramona Band of Cahuilla Indians (Ramona), Soboba Band of Luiseño Indians (Soboba), Pala Band of Mission Indians, and the Pechanga Band of Luiseño Indians (Pechanga). In November 2006, consultation on the Extended Phase I Testing survey began with six of these tribes that requested continued involvement with the project (Cahuilla, Gabrieleno/Tongva-San Gabriel, Morongo, Pechanga, Soboba, and Ramona tribes). Continuing tribal consultation has ultimately identified that there are five sites assumed eligible for listing in the National Register of Historic Places and one site eligible for listing. The Supplemental Draft EIS indicates that a Memorandum of Agreement (MOA) will be developed for affected sites and included in the Final EIS.

F-3-6

Recommendations:

- Please confirm if any formal government-to-government consultation has occurred (or will occur) with potentially impacted tribes.
- In the Final EIS, describe any additional coordination that occurs prior to the Final EIS publication and the outcome of consultation; additional issues that were raised (if any); and how those issues and previous concerns shared during the development of the Draft and Supplemental EISs were addressed in the selection of the proposed alternative. Describe how impacts to tribal or cultural resources will be avoided or mitigated consistent with Section 106 of the National Historic Preservation Act.
- Include the finalized MOA in the Final EIS and Record of Decision (ROD) to commit to identified mitigation measures.

F-3-7

F-3-8

Community Character and Cohesion and Residential Relocations

Chapter 2 (Project Alternatives) indicates that the proposed corridors follow a Caltrans Typical standard, with sufficient rights of way to accommodate a multimodal transportation facility, including a wide 62-foot median that could accommodate a future travel lane or a transit facility if warranted by future travel demand beyond 2040. Further, the Supplemental Draft EIS indicates that right of way needs vary from

F-3-9

220 feet to 660 feet in width as a result of topography, features of the natural and built environment, and design requirements (p. 2-19).

Alternative 9 Modified was shifted 1000 feet north to avoid impacts Fire Station No. 90 and Paragon Park from the original Alternative 9 footprint analyzed in the Draft EIS. Alternative 9 Modified will result in 102 residential acquisitions, displacing a total of 659 occupants (or 675 with selection of SJN DV design option) and dividing the neighborhood in the city of Perris along Perris Boulevard between Placentia Avenue and Rider Street by separating approximately 20 homes south of the freeway and 315 homes north of the freeway. While EPA recognizes that FHWA and RCTC propose to construct the MCP freeway below grade through this community to further minimize impacts and to address connectivity of this neighborhood with the construction of an overcrossing at Placentia Avenue to provide access between these two areas and to nearby community facilities, the Final EIS should clarify if other design considerations were proposed (or could be taken), such as reducing right of way, to further minimize residential displacements and effects to community character and cohesion. In addition, FHWA and RCTC should clarify if specific minimization and mitigation recommendations were provided by the affected community and considered for the project.

F-3-9

Recommendations:

- Consider opportunities to minimize right of way impacts to further reduce the need to relocate residences and to reduce community cohesion impacts.
- Work with affected neighborhoods in the City of Perris to further minimize the burden of a new major transportation corridor on this community and to mitigate for anticipated effects. Document any new changes or measures and incorporate into the Final EIS and ROD.

Mobile Source Air Toxics (MSATs)

EPA continues to disagree with the claim on page 3.14-28 that "...the tools and techniques for assessing project-specific health outcomes as a result of lifetime MSAT exposure remain limited. These limitations impede the ability to evaluate how the potential health risks posed by MSAT exposure should be factored into project-level decision-making within the context of NEPA". EPA recommends eliminating incorrect statements regarding technical shortcomings and uncertain science in the Final EIS. Tools and models are available that EPA (as well as other agencies) routinely use effectively. EPA notes that Section 4.4 of the document looks at health risks from diesel vehicles for California Environmental Quality Act purposes.

F-3-10

Both EPA and California Office of Environmental Health Hazard Assessment (OEHHA) have long-standing experience and published, peer-reviewed guidance for evaluating long-term health effects, including cancer risk. EPA has published an Air Toxics Risk Assessment Reference Library (http://www.epa.gov/ttn/fera/risk_atra_main.html) that addresses how to develop appropriate exposure scenarios in a risk assessment. Similarly, California OEHHA has hot spot risk assessment guidance published in support of California's Air Toxics "Hot Spots" Information and Assessment Act of 1987 (a.k.a. AB2588, http://www.oehha.ca.gov/air/hot_spots/pdf/HRAguidedefinal.pdf). The March 2007 report entitled "Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process" conducted for the American Association of State Highway and Transportation Officials (AASHTO) Standing Committee on the Environment and funded by the Transportation Research Board ([http://www.trb.org/NotesDocs/25-25\(18\)_FR.pdf](http://www.trb.org/NotesDocs/25-25(18)_FR.pdf)) also discusses available methodologies and tools.

Construction Emissions Reductions

EPA recommends replacing the mobile and stationary source control measure (p. 3.14-44) for use of Tier 2 equipment with the following:

If practicable, lease new, clean equipment meeting the most stringent of applicable Federal¹ or State Standards². In general, meet and ideally go beyond CARB requirements for in-use diesel engines and equipment, particularly for non-road construction fleets. Through December 31, 2014, ensure that all construction equipment meets or exceeds equivalent emissions performance to that of U.S. EPA Tier 3 standards for non-road engines. From January 1, 2015 onward, ensure that all construction equipment meets or exceeds equivalent emissions performance to that of U.S. EPA Tier 4 standards for non-road engines.

F-3-11

While EPA is aware that RCTC has previously indicated that Tier 4 equipment was not included due to limited availability, given the long construction window due to potential project phasing, EPA believes the above measure still allows for use of other readily available clean equipment if Tier 4 is unavailable in the near future, while advocating for Tier 4 equipment once it becomes available.

¹ EPA's website for nonroad mobile sources is <http://www.epa.gov/nonroad/>.

² For ARB emissions standards, see: <http://www.arb.ca.gov/msprog/offroad/offroad.htm>.

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This comment letter includes supporting information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

F-3-1

This comment documents the United States Environmental Protection Agency (EPA) rating of the proposed action as *Environmental Concerns – Insufficient Information* (EC-2). Please refer to the responses to comments F-3-3 through F-3-11, below, for responses to the individual EPA comments on the proposed project that were the basis of EPA’s EC-2 rating for the project. This comment also documents EPA’s continued participation in the NEPA/404 Integration Process and the MCP Small Working Group (now the Resource Agency Coordination group).

F-3-2

This comment lists EPA’s environmental concerns regarding the environmental effects of the proposed project. Please refer to the responses to comments F-3-3 through F-3-11, below, for responses to the individual EPA comments on the proposed project listed in this comment.

F-3-2a

It is acknowledged that EPA has continued to participate in the NEPA/404 Integration Process and the MCP Small Working Group (now the Resource Agency Coordination group), including participation in continued refinement of the alternatives to further reduce or avoid impacts, and discussion of mitigation options to address project impacts.

F-3-2b

The Final EIS will be transmitted to the EPA San Francisco office at the same time that it is released for public review with the Washington, D.C. office. Refer to

¹ Section 15088(a) of the CEQA Guidelines notes that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

Section 7.1 Federal Agencies, in the Final EIR/EIS, which includes addresses and mail stops for both the San Francisco and Washington, D.C. EPA offices.

F-3-3

This comment cites EPA's preference that the Alternative 4 Modified Perris Valley Storm Drain bridge alignment not be identified as the preferred alternative, based on concerns regarding the potential effects of the MCP in Alternative 4 Modified within the Perris Valley Storm Drain, including potential conflicts with planned improvements in that floodplain. The process used to evaluate the alternatives and identify the preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. As discussed in Section 2.5.5, Alternative 9 Modified with the San Jacinto River Bridge Design Variation (SJRBDV) was identified as the preferred alternative.

F-3-4

Although the SJRBDV includes two sections of columns (531 ft and 1,941 ft, respectively) and 1,849 linear feet of fill (approximately 10 acres) instead of bridge columns, this encroachment into the San Jacinto River 100-year floodplain will not result in hydrologic/hydraulic or biological impacts to the San Jacinto River. To address the commenter's concerns about floodplain encroachment impacting the river upstream and downstream of the proposed bridge, the existing and proposed bridge conditions are explained below in more detail. Three distinct areas were analyzed as part of the EIR/EIS process and results of that analysis are summarized in Section 3.9, Hydrology and Floodplains, in the Final EIR/EIS.

First, there is the area upstream (north) of the existing Ramona Expressway Bridge (this existing bridge will not be modified by any of the MCP Build Alternatives). The 100-year floodplain for the area upstream of the MCP crossing of the river goes into the San Jacinto Wildlife Area. For that area, the analysis determined that there would be a maximum of 0.16 ft of water surface elevation (WSE) change as a result of the SJRBDV. The water surface upstream of the existing Ramona Expressway Bridge would rise a maximum of 0.16 ft and the flow velocity would decrease by a maximum of approximately 0.6 ft per second (fps) for a reach spanning approximately 82 ft upstream of the existing bridge structure. The rise in water surface would be minimal. A 0.16 ft rise in flow depth in a 100-year event represents a 1.3 percent increase in calculated flow depth. This small increase would not be observable in a 100-year event. This calculation is the numerical difference in a hydraulic model that is beyond the precision warranted for a river system the size of the San Jacinto River. However, the corresponding decrease in flow velocity

represents a 9 percent reduction in the erosive potential of the river. The reduced flow velocity reduces the erosive potential of flow upstream of the existing Ramona Expressway. The *Upper San Jacinto River Sediment Transport Study, San Jacinto, CA* (United States Department of the Interior, Bureau of Reclamation 2008) indicated that 6,000 tons of bed material are deposited in the segment of the San Jacinto River between Lake Park Drive and Bridge Street in an average year of river flow due to the existing concave bed profile. This equates to 90 percent of the sediment transported from the upper watershed. Therefore, it would be expected that the San Jacinto River would have an increased sediment-carrying capacity downstream of Bridge Street and, therefore, the relative decrease in flow rate that would result from the SJRB DV would reduce the erosion potential of the river, which would be a benefit of the MCP Build Alternatives.

The second area is downstream of the proposed SJRB DV. This area would not experience any change in WSE and flow rate/velocity as a result of the SJRB DV. The behavior of the water downstream of the SJRB DV is controlled by the existing Ramona Expressway Bridge, which will remain in place and would not be changed by the MCP Build Alternatives. Therefore, because of the existing Ramona Expressway Bridge, there would be no discernible change in the water levels or water footprint as a result of the fill needed to construct the SJRB DV. In the existing and proposed (i.e., with SJRB DV) conditions, the area downstream of the proposed SJRB DV has a flow depth of approximately 8.73 ft and a flow velocity of 2.4 fps. There would be no change to the downstream conditions with the SJRB DV and, therefore, there would be no change to biological resources downstream of the SJRB DV.

The third area is between the existing Ramona Expressway Bridge and the proposed SJRB DV. This area is approximately 4,000 ft long and approximately 118 ft wide in an area between these two bridges. This area would be affected by abutments for the SJRB DV and would experience a WSE rise of 3.2 ft although this increase would only occur in a 26 ft wide area upstream of the proposed SJRB DV and downstream of the existing Ramona Expressway Bridge. This area would also experience a WSE elevation change, which would be a benefit as the flow velocity would be decreased by 4.3 fps and would reduce the erosive potential of the San Jacinto River during a 100-year event.

Based on the analysis results described above, because there would be negligible changes to the velocity and WSE elevations upstream of the existing Ramona Expressway Bridge, and no observable difference in the downstream portion of the proposed SJRB DV from the existing 100-year conditions without the project, there

would not be any expected impacts to the existing biological resources (i.e., plants) in those areas. For the area between the existing Ramona Expressway Bridge and the proposed SJRB DV, there would be an increase in land that is currently not underwater that would be underwater during a 100-year event. RCTC will provide mitigation for the loss of area that supports habitat suitable for long-term conservation for San Jacinto Valley crownscale, Coulter's goldfields, and smooth tarplant (as shown on Figure 3.17.3 on page 3.17-29 in the Final EIR/EIS), as well as alkali communities in the San Jacinto River floodplain at Lakeview, as described in Table 3.17.D on page 3.17-22 and discussed on page 3.17-21 in the Final EIR/EIS. A Determination of Biologically Equivalent or Superior Preservation (DBESP) for each of the biological resources impacted within the project footprint (including the area between the Ramona Expressway and the MCP bridges) is described in the *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* (2014), which is provided in Appendix T, Western Riverside County Multiple Species Habitat Conservation Plan Consistency Determination, in the Final EIR/EIS. Section 4.3.2, DBESP for CASSA Species, starting on page 60 in the MSHCP Consistency Determination, provides specific measures to address the project effects on San Jacinto Valley crownscale, Coulter's goldfields, and smooth tarplant.

Although the SJRB DV has greater impacts than the Base Case for four environmental criteria (aquatic ecosystems functions and values, water quality construction impacts, sensitive plant communities, and the Western Riverside County MSHCP), it does not result in additional impacts to waters of the United States or to any other listed or special-status plant or animal species in that area. In addition, the County of Riverside has expressed a preference for the SJRB DV because of the substantial cost savings, resulting in the ability for RCTC and the County to fund other needed transportation improvements in western Riverside County. As a result, when considering the additional impacts to San Jacinto River alkali plant communities and the Western Riverside County MSHCP Criteria Area and Conservation Area (both of which are fully mitigated through RCTC's compliance with MSHCP) in comparison to the extra cost of \$30 million for the longer bridge (i.e., the Base Case design), the SJRB DV is a cost-effective design variation that is acceptable to the affected community and will meet the project purpose with minimal additional environmental impacts.

The analysis and summary provided above was included in the NEPA/404 Checkpoint 3 Package (December 18, 2013) provided in Appendix M, Mid County Parkway Preferred Alternative/Preliminary LEDPA Identification (NEPA/404

Checkpoint 3), in the Final EIR/EIS. As documented in the EPA letter dated February 10, 2014, the EPA concurred on the identification of Alternative 9 Modified with SJRB DV as the Preliminary LEDPA.

As discussed above in this response to comment, there would be negligible changes in the velocity and WSE elevations upstream of the existing Ramona Expressway bridge and no observable difference in the downstream part of the River compared to the No Build Alternative. For further information, please refer also to Section 3.5.3, Master Response for the San Jacinto River Bridge, on page S-44 and Section 3.5.1, Master Response Related to the Western Riverside County Multiple Species Habitat Conservation Plan, on page S-16.

F-3-5

This comment requests further development of mitigation to satisfy Section 404 of the Clean Water Act (CWA) and specifically refers to the Conceptual Mitigation Plan (note: that Plan was provided in Appendix P in the Recirculated Draft EIR/Supplemental Draft EIS, rather than Appendix M as stated in the comment). The comment states that the Conceptual Mitigation Plan is intended to comply with the 2008 United States Army Corps of Engineers (USACE) and EPA Compensatory Mitigation Rule. That is not the intent of the Conceptual Mitigation Plan. The plan is intended to provide a framework for further development of more specific mitigation actions. The development of more specific mitigation actions has occurred and is documented in the Habitat Mitigation and Monitoring Plan (HMMP) for USACE Jurisdictional Waters provided in Appendix P, Habitat Mitigation and Monitoring Plan, in this Final EIR/EIS (replacing the Conceptual Mitigation Plan provided in Appendix P in the Recirculated Draft EIR/Supplemental Draft EIS).

As suggested in the comment, RCTC has continued to work with the EPA through the Small Working Group (now the Resource Agency Coordination Group) which includes the California Department of Fish and Wildlife (CDFW), the United States Fish and Wildlife Service (USFWS), the USACE, the FHWA, and Caltrans. The overall habitat mitigation must satisfy the DBESP requirement of the Western Riverside County MSHCP, CDFW policies for mitigation pursuant to Section 1602 of the Fish and Game Code, and the USACE and EPA Compensatory Mitigation Rule for CWA impacts. The Compensatory Mitigation Rule emphasizes a watershed approach to identifying mitigation sites. A watershed approach is defined in Section 230.92 of the Compensatory Mitigation Rule as: "...an analytical process for making compensatory mitigation decisions that support the sustainability or improvement of aquatic resources in a watershed. It involves consideration of watershed needs, and

how locations and types of compensatory mitigation projects address those needs.” RCTC initiated this approach with the Conceptual Mitigation Plan provided in Appendix P in the Recirculated Draft EIR/Supplemental Draft EIS, and assessed mitigation options based on the requirements of the Western Riverside County MSHCP and high priority conservation areas identified for the once proposed (but currently inactive) San Jacinto/Santa Margarita Watersheds Special Area Management Plan (SAMP). However, there are no established watershed-based mitigation banks and in-lieu fee mitigation programs, which are encouraged by the Compensatory Mitigation Rule, in the Western Riverside County MSHCP and the San Jacinto/Santa Margarita SAMP areas. Furthermore, the USACE has emphasized a preference for no net loss of waters of the United States. The result of these circumstances is that on-site, applicant-sponsored mitigation is a component of the best available mitigation options, despite the drawbacks to that approach mentioned in the comment. As documented in their comment letter dated June 11, 2014 (copy provided in Appendix J of the Final EIR/EIS) on the Draft HMMP, the USACE confirmed that no third-party compensatory mitigation option exists within the San Jacinto River watershed with an appropriate service area that encompasses the MCP project area, and therefore, permittee responsible mitigation as proposed in the Draft HMMP is appropriate for mitigating impacts to jurisdictional waters of the United States. In the email transmission of the letter to RCTC, the USACE also forwarded comments from the USEPA on the Draft HMMP. Comment EPA-1 in that email acknowledges that no in-lieu fee or other compensatory mitigation option exists within the San Jacinto River watershed and that permittee responsible mitigation within the San Jacinto River watershed is the only option available at this time.

The comments from both USACE and USEPA requested that, should an in-lieu fee program be developed and become available within the San Jacinto River watershed with an appropriate service area that encompasses the MCP project area, the RCTC should consult with them to revisit the efficacy and ecological preference of using a third-party mitigation option instead of permittee responsible mitigation. The following text was added to Measure WET-3 on page 3.18-46 in the Final EIR/EIS: “Should an in-lieu fee program for mitigating impacts to waters of the United States be developed and become available within the San Jacinto River watershed with an appropriate service area that encompasses the MCP project area, the RCTC shall consult with USACE and USEPA to determine if a third-party mitigation option would be preferable rather than the permittee responsible mitigation described in the HMMP.”

With respect to the recommendation at the end of this comment, RCTC continued discussions and identified the most beneficial mitigation opportunities, in preparation for the least environmentally damaging practicable alternative (LEDPA) checkpoint and the Final EIR/EIS. The HMMP for USACE Jurisdictional Waters is provided in Appendix P in this Final EIR/EIS.

F-3-6

Extensive consultation and coordination with all interested Tribes continued throughout preparation and processing of the environmental documentation for the MCP project. While there has been consultation conducted for the MCP, among the FHWA, the California Department of Transportation (Caltrans), RCTC, and the Native American Tribes who have requested continued involvement with the project (Agua Caliente Band of Cahuilla Indians, Cahuilla Band of Indians, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino Tongva Nation, Morongo Band of Mission Indians, Pechanga Band of Luiseño Indians, Ramona Band of Cahuilla, San Manuel Band of Mission Indians, and Soboba Band of Luiseño Indians; those Tribes are Concurring Parties to the MOA), it was not formal “government-to-government consultation,” which must be conducted between a federal agency and at the request of a federally recognized Tribe. None of the interested Tribes have requested formal government-to-government consultation.

Please note that the MOA and the Discovery and Monitoring Plan for the Mid County Parkway (provided as Attachment D to the MOA) identify one property (Site 33-16598) as National Register eligible under Criteria A, C, and D, and four properties (Sites 33-19862, 33-19863, 33-19864, and 33-19866) assumed to be eligible for the MCP project, for a total of five properties evaluated as National Register eligible properties, not a total of six properties as noted in this comment.

F-3-7

The additional consultation and coordination with the Tribes conducted prior to the completion of the Final EIR/EIS and the results of that process are summarized in new Section 5.7.5, Memorandum of Agreement, starting on page 5-43 in Chapter 5, Comments and Coordination, in the Final EIR/EIS. Section 5.7.5 describes the continuing and extensive consultation with a number of Tribes (Agua Caliente Band of Cahuilla Indians, Cahuilla Band of Indians, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino Tongva Nation, Morongo Band of Mission Indians, Pechanga Band of Luiseño Indians, Ramona Band of Cahuilla, San Manuel Band of Mission Indians, and Soboba Band of Luiseño Indians; those Tribes are Concurring Parties to the MOA); the development of the Memorandum of Agreement (MOA);

and the avoidance and mitigation measures included in the MOA to minimize the project effects on historic properties consistent with Section 106 of the National Historic Preservation Act. That summary also describes additional issues that were raised and how those issues and previous concerns were addressed. As documented in the Native American consultation correspondence provided in Appendix J, Chapter 5 Supplemental Attachments, in the Final EIR/EIS, the additional issues raised during the consultation for the MOA were not related to any new impacts of the project or changes in significance determinations under CEQA, but were focused on ensuring that the mitigation commitments included in the MOA addressed the effects of the project on a cultural landscape level as well as at the site level.

F-3-8

The MOA commits to specific avoidance and mitigation measures to address project effects on historic properties. The MOA is included in Appendix U, Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project, in the Final EIR/EIS and the commitments stipulated in the MOA will be included in the Record of Decision.

F-3-9

In the area between Interstate 215 (I-215) and Evans Road for Alternative 9 Modified, several alignments and interchange locations and configurations were evaluated to minimize impacts to community character and cohesion. As documented in the October 2008 Draft EIR/EIS, the previous alignment of Alternative 9 Modified would have reduced the size of Paragon Park by 9.85 acres, to less than half of its current size (Table 3.1-B on page 3.1-42 of the Draft EIR/EIS) and required relocation of a fire station (page 3.5-10 of the Draft EIR/EIS). RCTC, the consultant team, Caltrans, and the City of Perris worked collaboratively to arrive at the alternative presented in Chapter 2.0, Project Alternatives, in the Final EIR/EIS, while still meeting Caltrans design standards in the *Highway Design Manual* (HDM). The distances from shoulders to retaining walls were reduced where possible between Perris Boulevard and Evans Road, while still maintaining Caltrans design standards for sight distance and other standards. In the 2008 Draft EIR/Draft EIS, both a depressed (below grade) and elevated facility were evaluated and after discussions with the City of Perris, the depressed (below grade) facility was preferred because it will allow for better community cohesion. No specific minimization and mitigation recommendations were provided by members of the affected community during the public review of the Recirculated Draft EIR/Supplemental Draft EIS. The City of Perris' specific recommendations are listed in City Resolution 4428 included in Appendix J of the

Final EIR/EIS. During final design, additional opportunities to minimize right of way acquisition needs will continue to be investigated and included in the final project design.

F-3-10

The subsection titled “Mobile Source Air Toxics” starting on page 3.14-27 in Section 3.14, Air Quality, in the Final EIR/EIS discloses the potential for impacts from mobile source air toxics (MSATs) to the extent that current scientific information allows. Sensitive receptors are identified, and a qualitative assessment of impacts to the sensitive receptors (refer to the subsection titled “Qualitative Project Level MSAT Analysis” starting on page 3.14-32), including low-income and minority communities, was performed. Quantitative analysis for MSATs was conducted for the MCP project. As discussed in the subsection titled “MSAT Analysis Results” starting on page 3.14-33 and shown in Table 3.14.S (on page 3.14-34):

“The analysis indicates that a substantial decrease in MSAT emissions can be expected between the existing (2008) and future (2020 and 2040) No Build conditions. This decrease is prevalent throughout the highest-priority MSATs and the analyzed alternatives. This decrease is also consistent with the aforementioned EPA study that projects a substantial reduction in on-highway emissions of benzene, formaldehyde, 1,3-butadiene, and acetaldehyde between 2000 and 2050. Based on the analysis for this project, reductions in MSATs expected by 2040 are: 48 percent of diesel PM, 55 percent of benzene, 69 percent of 1,3-butadiene, 69 percent of acrolein, and 57 percent of formaldehyde. These projected reductions are achieved while total VMTs increase by 113 percent between 2008 and 2040.

As shown in Table 3.14.S, in 2020 and 2040, implementation of the proposed MCP Build Alternatives would result in a slight increase in MSAT emissions within the MCP project vicinity compared to the No Build conditions. However, the MCP project’s increase in MSAT emissions would be negligible with no increase higher than 1.1 pounds per day, for benzene, an increase of 0.4 percent. In addition, when compared to the existing conditions, the existing plus MCP project conditions would result in a small decrease in regional MSAT emissions.

In summary, while Alternative 4 Modified would result in a small increase in localized MSAT emissions compared to the No Build

conditions, the EPA's vehicle and fuel regulations, coupled with fleet turnover, will result in substantial reductions over time that will result in regionwide MSAT levels to be substantially lower than they are today."

Controlling air toxic emissions became a national priority with the passage of the CAA Amendments of 1990, whereby Congress mandated that the EPA regulate 188 air toxics, also known as hazardous air pollutants. The EPA has assessed this expansive list in their rule on the Control of Hazardous Air Pollutants from Mobile Sources (Federal Register, Vol. 72, No. 37, page 8430, February 26, 2007) and identified a group of 93 compounds emitted from mobile sources that are listed in their Integrated Risk Information System.

The 2007 EPA rule mentioned above requires controls that will dramatically decrease MSAT emissions through cleaner fuels and cleaner engines. According to an FHWA analysis using EPA's MOBILE6.2 model, even if vehicle activity increases by 145 percent as assumed, a combined reduction of 72 percent in the total annual emission rate for the priority MSAT is projected from 1999 to 2050. The large decrease in MSAT emissions between 2008 and 2020 is due to the implementation of the exhaust controls required by EPA's 2007 rule.

FHWA has indicated that quantitative analysis (i.e., dispersion modeling) cannot provide any meaningful comparison of alternatives and, in fact, may provide misleading information as to the current understanding of MSATs and the capabilities of current tools (in Appendix C of the interim MSAT guidance). As part of its development of the FHWA interim MSAT guidance, FHWA conducted a thorough review of the scientific information related to MSATs from transportation sources. The results of that review are discussed in Appendix C of the September 2009 MSAT guidance (source: http://web.archive.org/web/20101109164106/http://www.fhwa.dot.gov/environment/air_quality/air_toxics/policy_and_guidance/100109guidmem.cfm).

As a result of that review, FHWA concluded that the available technical tools do not enable reliable estimation of pollutant exposure concentrations or prediction of project-specific health impacts of the emissions changes associated with alternatives for transportation projects. Therefore, at this time, FHWA does not support dispersion modeling.

As Lead Agency under CEQA, RCTC undertook additional analysis of health risks during construction and operation of the MCP project. The results of that analysis were included in Attachment A of the Recirculated Sections of Chapter 4.0 of the

Recirculated Draft Environmental Impact Report for the Mid County Parkway Project (January 2014). That analysis concluded that the MCP project would not result in significant health risk impacts under CEQA during construction or operation of the project.

F-3-11

This comment recommends modifying Measure AQ-2 (on page 3.14-43 in the Recirculated Draft EIR/Supplemental Draft EIS), to include the use of Tier 3 and Tier 4 off-road construction equipment. The sixth bullet point in Measure AQ-2, on page 3.14-44 in Section 3.14, Air Quality, in the Final EIR/EIS, was revised as follows to include the use of Tier 3 off-road equipment:

- Use new, clean (diesel or retrofitted diesel) equipment meeting the most stringent applicable federal or state standards and commit to the best available emissions control technology. Use Tier 3, or higher, engines for construction equipment *with a rated horsepower exceeding 75*. Use Tier 2, or higher, engines for construction equipment with a rated horsepower of less than 75. If nonroad construction equipment that meets or exceeds Tier 2 *or Tier 3* engine standards is not available, the Construction Contractor will be required to use the best available emissions control technologies on all equipment.

The comment acknowledges that RCTC has previously indicated Tier 4 equipment was not included due to limited availability of that type of equipment. RCTC continues to assert that requiring restrictions on equipment and materials greater than those currently listed in the mitigation measures would limit the number of contractors that could bid on the final design and construction of the MCP project. This could potentially result in smaller, minority, and disadvantaged firms being unable to compete effectively for parts of construction contracts because they do not have access to Tier 4 equipment and/or potentially increasing the project costs by requiring contractors to acquire Tier 4 equipment in order to bid on the construction contracts. However, as noted above, Measure AQ-2 requires the use of the best available emission control technologies. These technologies include the use of equipment meeting Tier 2 and Tier 3, or higher, engine standards. Therefore, Tier 4 construction equipment will be used if it is available at the time of project construction.

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DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO

ATTENTION OF:

Office of the Chief,
Regulatory Division

April 8, 2013

Mr. Tay Dam
Federal Highway Administration
California Division
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

Dear Mr. Dam:

The U.S. Army Corps of Engineers (Corps) has reviewed the combined Re-circulated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the **Mid-County Parkway (MCP)** project located in western Riverside County, California. This letter transmits our comments on the proposed 16-mile-long, six-lane limited access transportation facility located between State Route 79 and Interstate 215. The Corps has assigned **File No. SPL-2013-00225** to this project; any future correspondence with our office should reference to this file number.

The RDEIR/SDEIS has been prepared by the Riverside County Transportation Commission (RCTC) and the Federal Highway Administration (FHWA) in cooperation with the State of California Department of Transportation (Caltrans) to comply with the provisions of the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). RCTC is the project proponent and lead agency under CEQA and FHWA is the lead agency under NEPA.

The purpose of the MCP project is to provide effective and efficient regional west-east movement of people, goods and services between and through the cities of Perris and San Jacinto. Four build alternatives are examined in the RDEIR/SDEIS, plus two No Action alternatives and the No Federal/404 Action alternative (i.e., an alternative that would not involve the discharge of dredged or fill material into waters of the United States and therefore, would not require the Corps to render a section 404 permit decision). According to information presented in the RDEIR/SDEIS, approximately 6.6 acres to 7.3 acres of jurisdictional waters of the United States would be permanently impacted, depending on the build alternative selected. Of the total acreage of permanent impacts to waters of the United States, 2.0 to 2.2 acres are wetlands that would be permanently lost as a result of the discharge of fill material.

F-4-1a

As a cooperating agency under NEPA, the Corps' participation in the MCP RDEIR/SDEIS and environmental evaluation process has been governed by the procedures set forth in the 2006 *Memorandum of Understanding (MOU) for the NEPA/CWA 404 Integration*

Process for Surface Transportation Projects in California, Council on Environmental Quality (CEQ) NEPA implementing regulations at 40 C.F.R. § 1500 – § 1508, and the Corps Regulatory Program NEPA implementing regulations at 33 C.F.R. § 325, Appendix B. Based on our special expertise and jurisdiction by law pursuant to section 404 of the Clean Water Act (33 U.S.C. 1344) we have provided guidance to RCTC to ensure all practicable measures are taken to avoid and minimize adverse impacts on the aquatic environment. Our involvement has also focused on facilitating the Corps' ability to eventually adopt FHWA's Final EIS for our independent NEPA obligations related to our discretionary federal action (i.e., section 404 permit decisions).

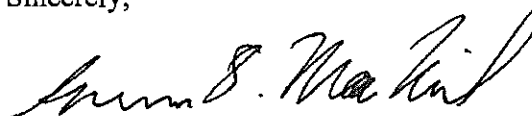
Based on our review of the RDEIR/SDEIS, including Appendices M and P, we did not identify any substantial unresolved issues or significant deficiencies related to the range of alternatives or the assessment of wetlands and other aquatic resources under our geographic jurisdiction. However, we do have several comments that we request be addressed or otherwise resolved prior to the finalization of the joint CEQA/NEPA document. These comments are provided in the attached enclosure. Of most importance, we recommend a more developed conceptual compensatory mitigation plan that presents a greater level of detail as to where, how, when and who will accomplish the compensatory mitigation for unavoidable impacts to waters of the United States. A final compensatory mitigation plan must be approved by the Corps prior to the issuance of a section 404 standard individual permit (33 C.F.R. § 332.4(c)).

F-4-1b

I am providing courtesy copies of this correspondence to the following individuals: Ms. Susan Sturges, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne St, CED-2, San Francisco, California 94105; Ms. Karin Cleary-Rose, U.S. Fish and Wildlife Service, 777 East Tahquitz Canyon Way, Suite 208, Palm Springs, California 92220; Ms. Marie Petry, Caltrans, Division of Environmental Planning, 464 West 4th Street, MS 1222, San Bernardino, California 92401-1400; Mr. Rob McCann, LSA Associates, Inc., 20 Executive Park, Suite 200, Irvine, California 92614; and Ms. Cathy Bechtel, Riverside County Transportation Commission, P.O. Box 12008, Riverside, California 92502.

Thank you for the opportunity to engage in the MCP environmental review process and provide our input under our section 404 of the CWA authority. Should you have any questions or need additional information, please feel free to contact Ms. Susan A. Meyer of my staff at (808) 835-4599 or at susan.a.meyer@usace.army.mil.

Sincerely,



Spencer D. MacNeil, D.Env.
Chief, Transportation and Special Projects Branch

Enclosure

ENCLOSURE: U.S. Army Corps of Engineers, Comments on the Mid-County Parkway RDEIR/SDEIS (dated January 2013), Riverside County, CA

Comment #	Location	Comment/Question
General Comments		
1	Cover Sheet	Based on CEQ NEPA implementing regulations, the Corps' logo (i.e., Corps castle) and name should appear on the cover page of the RDEIR/SDEIS as a cooperating agency (refer to 40 C.F.R. § 1502.11).
Chapter 2: Alternatives		
2	Section 2.3.2.14, Page 2-43	This section indicates that if the construction contractor chooses to use sites not previously considered and evaluated in the RDEIR/SDEIS for the excavation of borrow material, additional environmental approvals for those sites would be required at that time. To minimize the potential for unauthorized impacts to waters of the United States and/or obviate the need for a Department of the Army (DA) permit modification for any such construction deviations, we recommend RCTC place restrictions on the construction contractor such that any new or additional excavation (borrow) areas not previously identified and permitted be sited in uplands or areas that would avoid adverse impacts to waters of the U.S. and other environmentally sensitive habitats and species. Any unauthorized impacts to waters of the United States would constitute a violation under section 404 of the Clean Water Act and could require RCTC to fund and implement additional compensatory mitigation.
3	Section 2.7, page 2-74	Section 2.7 discusses the Corps as a cooperating agency. We suggest the last sentence in this paragraph delete the reference to USFWS since it implies the USFWS also intends to adopt the Final EIS for its federal action (i.e., consultation under Section 7 of the Endangered Species Act). To the Corps' knowledge, this is not the case since USFWS declined to be a cooperating agency and accordingly, in order for USFWS to adopt FHWA's Final EIS, or portions thereof, they would need to publicly re-circulate the NEPA document.
Section 3.9: Hydrology and Floodplains		
4	Section 3.9.3, page 3.10-1	This section addresses permanent impacts to hydrology and floodplains, including potential encroachments within the floodway of the Perris Valley Storm Drain and the San Jacinto River. As an advisory, any proposed alteration or modification to a federally-authorized/constructed public works facility must be coordinated in advance with the facility's non-Federal sponsor and the Corps pursuant to 33 U.S.C. 408 ("Section 408). Section 408 requires the Chief of Engineers, or his designee, to grant approval for any alteration or modification to a federally-authorized/constructed public works facility to ensure the alteration would not be injurious to the public interest and would not impair the usefulness of the work (facility). We recommend RCTC coordinate with the Corps Los Angeles District, Asset Management Division (AMD) to confirm whether one or both crossings would involve a federally-authorized/constructed public works facility and necessitate the Corps' approval under Section 408. The Los Angeles District Section 408 Program Manager is Mr. Phil Serpa in AMD and may be reached at (213) 452-3402 or phil.serpa@usace.army.mil.
5	Section 3.9.3, page 3.10-1	Generally, the Corps does not support longitudinal encroachments into a stream, channel or floodway/floodplain (i.e., the placement of the roadway within the stream channel or floodway/floodplain parallel to the stream flow,

F-4-2

F-4-3

F-4-4

F-4-5

F-4-6

Comment #	Location	Comment/Question
		as opposed to a transverse (perpendicular) spanned crossing of the stream or floodway/floodplain). Structures and manmade embankments that encroach into the floodway/floodplains in this manner tend to have deleterious effects on the hydrologic regime, channel stability, water quality, and the associated biological functions of in-stream habitats, such as wetlands and riparian ecosystems. Specific to the Perris Valley Storm Drain, longitudinal encroachments by the MCP could create a physical constraint that might foreclose on certain future flood control options that involve less channelization/engineered slopes and greater opportunity to reclaim the natural floodplain dynamics through the implementation of bioengineering techniques. For these reasons, we would generally consider those MCP build alternatives that are designed to support crossings of major streams or floodways/floodplains using a bridge structure that spans the stream or floodway to have less adverse impact on the aquatic environment than those MCP build alternatives, such as Alternative 4 Modified, that involve longitudinal encroachments into streams or floodways/floodplains.
Section 3.10: Water Quality and Storm Water Run-off		
6	Section 3.10, pages 3.10-1 through 3.10-2	Discussions pertaining to section 404 of the Clean Water Act, the regulatory setting and Corps permitting options located in Section 3.10 (<i>Water Quality and Storm Water Runoff</i>) should be deleted as these topics are more appropriately addressed in Section 3.18 (<i>Wetlands and Other Waters</i>) and in fact, are repeated verbatim in Section 3.18. Further, the discussion on the types of Corps permits (e.g., standard individual permit, letter of permission, nationwide, regional general permit, etc.) does not seem particularly relevant, but if kept within the RDEIR/SDEIS should be revised within Section 3.18 based on the proposed edits provided in comment #7 below.
Section 3.18: Wetlands and Other Waters		
7	Page 3.18-1, sub-section 3.18.1	<p>The Corps recommends the following edits: One purpose of the Under section 404 of the CWA is to regulate the discharge of dredged or fill material into waters of the United States, including wetlands, is regulated by the USACE. Waters of the U.S. include navigable waters, interstate waters, territorial seas and other waters that may be used in interstate or foreign commerce. To classify wetlands for the purposes of the CWA, a three-parameter approach is used that includes the presence of hydrophytic (water-loving) vegetation, wetland hydrology, and hydric soils (soils formed during saturation/inundation). All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the CWA. Section 404 of the CWA establishes a regulatory program that provides that prohibits the proposed discharge of dredged or fill material into waters of the U.S. cannot be permitted if a practicable alternative exists that is less damaging to the aquatic environment, so long as it does not result in other significant adverse environmental consequences, or if the nation's waters would be significantly degraded. The Section 404 permit program is run by the U.S. Army Corps of Engineers (USACE) with oversight by the U.S. Environmental Protection Agency (U.S. EPA).</p> <p>USACE issues two types of 404 permits: General and Standard permits. There are two types of General permits: Regional permits and Nationwide permits. Regional permits are issued for a general category of activities when they are similar in nature and cause minimal environmental effect. Nationwide permits are issued to authorize a variety of minor project</p>

F-4-6

F-4-7

F-4-8

Comment #	Location	Comment/Question
		<p>activities with no more than minimal effects.</p> <p>There are two broad categories of USACE permits: <u>general and individual permits</u>. Within these two categories, there are <u>several two types of permits the USACE issues, including Standard individual permits (SIPs), Individual permits and Letters of Permission (LOPs), programmatic or regional general permits (PGPs or RGP), and nationwide permits (NWP)</u>. Ordinarily, projects that do not meet the criteria for a <u>general permit, which is the most expedient type of authorization</u>, <u>Nationwide Permit may must be permitted under one of USACE's Standard an individual permits</u>. For <u>Standard individual permits that propose a discharge of dredged or fill material in waters of the U.S., the applicant must demonstrate to the USACE that the proposed discharge decision to approve is based on compliance with U.S. EPA's Section 404(b)(1) Guidelines (U.S. EPA 40 CFR Part 230),</u> and whether permit approval Federal regulations also require the USACE to evaluate and consider all relevant public interest review factors in <u>determining whether the proposed action is in contrary to the public interest</u>. The Section 404 (b)(1) Guidelines were developed by the U.S. EPA in conjunction with USACE, and allow the discharge of dredged or fill material into the aquatic system (waters of the U.S.) only if there is no practicable alternative which would have less adverse effects. The Guidelines state stipulate that USACE may not issue a permit if there is a practicable alternative <u>LEDA</u> to the proposed discharge that would have fewer <u>adverse</u> effects on waters of the U.S., <u>and as long as it does not have any other significant adverse environmental consequences</u>. Similarly, the USACE may not issue a permit if the proposed action is contrary to the public interest.</p>
8	Page 3.18-3	<p>The Corps recommends sub-section 3.18.2 "<i>Affected Environment</i>" be expanded to provide a general description of the aquatic resources occurring within the project area, describing the general status of the aquatic resources, including whether certain reaches or hydrologic subareas are disturbed and degraded due to human perturbations (e.g., channelization) and/or natural stressors (e.g., presence of invasive species), as well as whether reaches or hydrologic subareas exist that support more pristine aquatic resources. This section should present an introduction to the baseline conditions of wetlands and other waters so the reader gains a general understanding of the type, extent, overall quality and distribution of aquatic resources occurring in the MCP project area. Referring the reader to the appendices and detailed maps embedded in the appendices to find this information is not appropriate.</p>
9	Pages 3.18-3 and 3.18-4	<p>The Corps recommends the following edits: USACE jurisdiction extends laterally to the ordinary high water mark or beyond the ordinary high water mark to the limit of any adjacent wetlands, if present. The ordinary high water mark is defined as "... that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area." In this section, USACE jurisdictional areas are described as either wetland or non-wetland <u>waters of the U.S. areas</u>. The USACE defines wetlands as "... those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions." To satisfy the USACE wetland definition, an area must possess three wetland characteristics: (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. Generally, non-wetland waters</p>

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F-4-9

F-4-10

Comment #	Location	Comment/Question
		<u>of the U.S. are those streams or drainages that exhibit within the an ordinary high water mark but that do not meet the definition of a are not wetlands and can include perennial, intermittent and ephemeral drainages. Non-wetland waters of the U.S. are still regulated by the USACE when they have a surface hydrologic connection to a traditional navigable water (TNW) (e.g., the Pacific Ocean) and when the surface hydrologic connection provides a significant nexus to the downstream TNW. In other words, when it can be demonstrated the waterway contributes to the biological, chemical and/or physical integrity of a TNW. Note that a consistent ordinary high water mark is not needed for a significant nexus to exist.</u>
10	Page 3.18-11	Subsection 3.18.2.3 " <i>Wetland Functions</i> " should first explain what a functional or condition assessment is and why one was conducted for the MCP. Previous Corps comments questioned why the Wetland Evaluation Technique (WET) was used in addition to the ERDC riparian ecosystem integrity assessment, although it appears the WET findings remain in the evaluation. It some regards, it makes the discussions within this section of the RDEIR/SDEIS confusing in terms of understanding the difference between the two methods and the purpose or need for conducting both assessments. Therefore, we recommend an added discussion in the RDEIR/SDEIS that helps to explain how the WET information is expected to be used by agency decision-makers and whether the WET results and ERDC scores will be considered together or separately.
11	General comment	The ERDC riparian ecosystem integrity assessment methodology that was originally developed for the Corps' San Jacinto and Santa Margarita Watersheds Special Area Management Plan (SAMP) and then later expanded/updated for use on the MCP project is more or less equivalent to a Level II assessment as defined in EPA's Level 1-2-3 Watershed Approach. However, it is not a true "functional assessment" or rigorous Level III assessment, such as an IBI. While many, including the Corps, have defaulted to referring to the ERDC riparian ecosystem integrity assessment as a "functional assessment", it really is not and therefore, using such terminology may be misleading. Therefore, we recommend the text within the RDEIR/SDEIS and appendices refer to the ERDC report as a riparian ecosystem integrity assessment, not a functional assessment.
12	Page 3.18-12, Table 3.18.A	For Reach 5, the table includes a footnote for all wetland functions that have been ranked as "low". The footnote explains all functions in Reach 5 are considered low because no wetlands or earthen channels are present within the footprint of the Build alternative alignments. The Corps recommends the first column (Reach 5) in the table be changed to indicate wetlands are not present, rather than providing a ranking of "low". As is, it seems to imply that wetlands exist, but just in a lower functional capacity or degraded condition, which is misleading.
13	Page 3.18-12, Table 3.18.A	The assessment of wetland functions should include all wetlands occurring within the MCP project area, not just within the footprint of the Build alternatives as what seems to be implied by footnote 1. The affected environment (baseline conditions) should reflect the distribution and conditions of all wetlands within the entire study area, particularly as this information may relate to estimating indirect impacts to wetland functions occurring outside the direct footprint of disturbance.
14	Page 3.18-12, Table 3.18.A	The manner in which the information is displayed in the table makes it difficult to discern the difference amongst the alternatives as compared to the No Action alternative. We suggest the table either be modified or that

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Comment #	Location	Comment/Question
		additional tables be created to present the WET scores/rankings for all aquatic resources occurring in each of the Build alternative and the No Action alternatives.
15	Pages 3.18-13 through 3.18-14	Section 3.18.3/1 " <i>Permanent Impacts</i> " should clarify whether the permanent loss to waters of the United States includes both direct and indirect effects.
Section 3.25 Cumulative Impacts		
	Pages 3.25-43 through 3.25-46	The Corps, as part of its cumulative impacts analysis, has to identify areas in which the effects of the proposed action will be felt; the effects that are expected in the area(s) from the proposed action; past, present, and reasonably foreseeable future actions that have or that are expected to have impacts in the same area; the impacts or expected impacts from these other actions; and the overall impact(s) that can be expected if the individual impacts are allowed to accumulate (refer to <i>Fritiofson v. Alexander</i> , 772 F.2d 1225, 1245 (5th Cir. 1985)). Section 3.25.5.8 presents the existing and reasonably foreseeable future actions within the MCP project area, although it does not provide a sufficient disclosure of the expected aggregate or overall impacts should the individual project impacts accumulate. The Corps recommends a clarifying presentation of the MCP project's direct and indirect impacts of the MCP in the context of the overall cumulative impacts stemming from the reasonably foreseeable future projects shown in Figure 3.25.1. In other words, a brief discussion of the degree and intensity of the MCP impacts in relationship to the aggregate effects of other past, current and future projects.
Appendix M: Draft Section 404(b)(1) Alternatives Analysis		
16	General comment	Ideally, the NEPA alternatives analysis should be developed to a sufficient level so that it serves both the NEPA requirement to take a hard, objective look at alternatives to the proposed action as well as to fulfill the substantive requirements of the Section 404(b)(1) Guidelines. 40 C.F.R. § 230.10(a)(4) indicates the analysis of alternatives required for a NEPA document where a Corps section 404 SIP decision is involved will in most cases provide the information for the evaluation of alternatives under the Guidelines. Corps national standard operating procedures also address this topic by directing Corps districts to avoid duplication between the NEPA alternatives analysis and the section 404(b)(1) alternatives analysis. That is, documentation of a separate alternatives analysis for NEPA and the Section 404(b)(1) Guidelines should be avoided whenever possible. Since the draft section 404(b)(1) alternatives analysis has been completed (Appendix M) it may be most prudent to keep this document and make any necessary corrections and/or additions rather than doing away with Appendix M.
17	General comment	The draft section 404(b)(1) alternatives analysis designates the LEDPA, which is premature and a Corps determination that is not yet ripe for decision-making. The NEPA/Section 404 Integration Process MOU calls for the Corps' concurrence on the Preferred Alternative and "preliminary" LEDPA at Checkpoint 3, which is to follow the close of the public review of the RDEIR/SDEIS. In doing so, it enables the Corps to consider public input and comment when determining the "preliminary" LEDPA. Therefore, the Corps requests all references to the LEDPA be removed or that the appendix makes it clear a final LEDPA determination has not been rendered (but rather a "preliminary" LEDPA decision will be forthcoming with Checkpoint 3). The final LEDPA determination will be documented in the Corps' Record of Decision, which will follow the Corps' adoption of FHWA's Final EIS.
Appendix P: Conceptual Mitigation Plan		

↑ F-4-15

F-4-16

F-4-17

F-4-18

F-4-19

↓ F-4-20

Comment #	Location	Comment/Question
18	General comment	The conceptual mitigation plan will require substantial and additional site-specific information in order to comply with the standards of the 2008 Mitigation Rule. While only a conceptual mitigation plan is required for the NEPA/Section 404 Integration Process MOU Checkpoint 3 (<i>Preliminary LEDPA and Conceptual Mitigation Plan</i>), the lack of site-specific or detailed information in this plan makes it difficult to determine whether the proposed/conceptual mitigation plan is sufficient and practicable in terms of off-setting the unavoidable impacts to waters of the U.S., which ultimately has a bearing on the compliance with the Guidelines. Assuming the primary compensatory mitigation will be Permittee-responsible mitigation, the conceptual compensatory mitigation plan should give some level of assurance that available and suitable mitigation sites exist. The conceptual plan should also address the type of mitigation proposed (e.g., restoration, enhancement, establishment, preservation), restoration objectives, priority areas or reaches for restoration, candidate mitigation sites, and more information regarding the proposed long-term management arrangements (who?) and possible financial assurances. As required by the 2008 Mitigation Rule, a final compensatory mitigation plan <u>must be approved by the Corps prior to a section 404 individual permit decision</u> (emphasis added).
19	General comment	The conceptual mitigation plan acknowledges the need to implement the Corps' South Pacific Division Mitigation Ratio Checklist in determining the amount of compensatory mitigation. However, it is unclear in the conceptual mitigation plan and elsewhere in the RDEIR/SDEIS whether the results of the WET and/or ERDC's riparian ecosystem integrity assessment are intended to be used in the checklist (refer to Mitigation Ratio Setting Checklist step 3). While this information may not be necessary or appropriate for inclusion in the next version of the conceptual mitigation plan, RCTC should work in cooperation with the Corps and EPA to establish how the WET and/or ERDC scores will be used in the SPD Mitigation Ratio checklist, if at all.

F-4-20

F-4-21

This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

F-4-1a

This comment requests that several comments, listed in the attachment, be addressed in the Final EIR/EIS. Please refer to the responses to comments F-4-2 through F-4-21, below, for responses to those individual comments, including the request for a more developed compensatory mitigation plan.

Please note that the acreages of project effects on jurisdictional waters of the United States were refined after the circulation of the Recirculated Draft EIR/Supplemental Draft EIS during the LEDPA process (December 2013), the update to the Jurisdictional Delineation (December 2013), and the engineering refinements as follows:

- Permanent impacts on jurisdictional wetlands and non-wetland waters of the United States: the range of impacts changed from 6.59 to 7.29 acres as reported in the Recirculated Draft EIR/Supplemental Draft EIS, depending on the alternative; to 4.25 to 5.34 acres in the LEDPA analysis; and 5.00 acres for the preferred alternative.
- Permanent impacts on wetlands (included in the total permanent impacts described above): the range of impacts changed from 1.97 to 2.18 acres as reported in the Recirculated Draft EIR/Supplemental Draft EIS, depending on the alternative; to 0.38 to 1.01 acre in the LEDPA analysis; and 0.64 acre for the preferred alternative.

¹ Section 15088(a) of the CEQA Guidelines notes that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

This comment recommends a more developed conceptual compensatory mitigation plan that presents a greater level of detail as to where, how, when, and who will accomplish the compensatory mitigation for unavoidable impacts to waters of the U.S. As described earlier in the response to comment F-3-5, RCTC has continued to work with the USACE and other agencies to refine the mitigation plan, with a goal of a final compensatory mitigation plan that can be approved by the USACE prior to the 404 Individual Permit Decision. The HMMP for USACE Jurisdictional Waters (which replaced the Conceptual Mitigation Plan) is provided in Appendix P in the Final EIR/EIS. The HMMP for USACE Jurisdictional Waters includes creation of both wetlands and non-wetland waters of the United States and associated habitat, with components of enhancement and upland buffer preservation at three specific mitigation sites with detailed engineering provided. Details of the components of the three mitigation sites are summarized in Table B, Mitigation Site Description, in the HMMP for USACE Jurisdictional Waters. As written, it would be permittee-responsible mitigation, because in lieu fee and mitigation bank options are not currently available in the San Jacinto River watershed. Upon establishment of the mitigation areas, the HMMP for USACE Jurisdictional Waters specifies that the sites would be managed by the Western Riverside County Regional Conservation Authority.

F-4-2

The United States Army Corps of Engineers (USACE) logo and name were added to the cover sheet of the Final EIR/EIS as a cooperating agency.

F-4-3

The following was added as the third paragraph in Section 2.3.2.14, Borrow Areas/Haul Routes, on page 2-50 in the Final EIR/EIS:

“At the time of construction, the contractor will be required to use only borrow sites that have been environmentally approved for excavation. The Resident Engineer will require the Construction Contractors to use only designated truck routes in the Cities of Perris and San Jacinto and the County of Riverside during all hauling of borrow material.”

F-4-4

The last sentence in the last paragraph in Section 2.7, Permits and Approvals Needed, on page 2-121 in the Final EIR/EIS, was revised to delete the reference to the United States Fish and Wildlife Service (USFWS) as follows: “...Cities of Perris and San Jacinto or permit approvals by the USACE.”

It should be noted that although not a formal cooperating agency under NEPA, the USFWS has participated in the Small Working Group (now the Resource Agency Coordination group) for the MCP project and is one of the wildlife agencies actively involved in reviewing and commenting on the environmental documents and supporting technical studies for the MCP project, including issuing a Biological Opinion for the project.

F-4-5

In an email dated January 22, 2014 (from Olufunke Ojuri, ACOE, to Merideth Cann, Jacobs Engineering), it was confirmed that the MCP Build Alternatives would not require a Section 408 permit.

F-4-6

It is acknowledged that the USACE does not support longitudinal encroachments into floodplains or floodways. USACE's support of alternatives that do not result in longitudinal encroachments into floodplains and floodways is noted. The USACE's preference for alternatives designed to support crossings using bridge structures that span a stream or floodway/floodplain as resulting in lesser adverse environmental effects than alternatives such as Alternative 4 Modified that would result in longitudinal encroachments into streams or floodways/floodplains is noted. The process used to evaluate the alternatives and identify the preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. As discussed in Section 2.5.5, Alternative 9 Modified with the SJRB DV was identified as the preferred alternative. As shown on Figures 2.3.1.a through 2.3.1.e, the MCP facility would cross the San Jacinto River perpendicularly and would not result in longitudinal encroachments in the River or its floodplain.

As discussed in the subsection titled "Perris Valley Storm Drain" starting on page 3.9-10 in Section 3.9, Hydrology and Floodplains, in the Final EIR/EIS, Alternative 4 Modified would result in a longitudinal encroachment of the existing Perris Valley Storm Drain floodway/floodplain. The longitudinal encroachment is necessary to reduce the need for the acquisition of right of way for the project outside the floodplain. The longitudinal encroachment would be the interim condition until the future levees planned for the Perris Valley Storm Drain are constructed. Those levees are part of the long-term flood control plans for the City of Perris. If these levees were to be constructed prior to or concurrently with the MCP, Alternative 4 Modified at this location would be located outside the floodplain and would not result in a longitudinal encroachment. However, construction of the MCP project is not

dependent on construction of the levees; therefore, the Final EIR/EIS concludes that Alternative 4 Modified would result in a longitudinal encroachment of the existing Perris Valley Storm Drain floodway/floodway. As discussed in Section 3.9 in the Final EIR/EIS, Alternatives 5 Modified and 9 Modified are practicable alternatives to the longitudinal encroachment of the Perris Valley Storm Drain by Alternative 4 Modified because, as discussed on page 3.9-13, Alternative 5 Modified and Alternative 9 Modified would not result in longitudinal encroachments in Perris Valley Storm Drain or its floodplain.

F-4-7

This comment requests changes to the regulatory setting text in Section 3.10, Water Quality and Storm Water Runoff, in the Recirculated Draft EIR/Supplemental Draft EIS. The referenced regulatory setting text is from the Annotated EIR/EIS Outline posted on Caltrans' Standard Environmental Reference website at <http://www.dot.ca.gov/ser/forms.htm>. This text from the Annotated EIR/EIS Outline is boilerplate text that Caltrans (along with FHWA) has developed to provide standardization and have agreed to use in all EIRs/EISs for transportation projects in California requiring NEPA approval. However, as noted in the response to comment F-4-8, below, the requested changes in this SER language were made on page 3.18-1 in Section 3.18 and the relevant changes from Section 3.18 were also made in Section 3.10.

F-4-8

This comment requests changes to the regulatory setting text in Section 3.18, Wetlands and Other Waters, on page 3.18-1 in the Recirculated Draft EIR/Supplemental Draft EIS. The referenced regulatory setting text is from the Annotated EIR/EIS Outline posted on Caltrans' Standard Environmental Reference website at <http://www.dot.ca.gov/ser/forms.htm>. This text from the Annotated EIR/EIS Outline is boilerplate text that Caltrans has developed to provide standardization for use in all EIR/EIS documents for transportation projects in California requiring NEPA approval. Nonetheless, the first four paragraphs of the mandatory SER language in Section 3.18.1 on page 3.18-1 in the Final EIR/EIS were revised to reflect the refinements provided by the USACE.

F-4-9

This comment recommends the inclusion of a general description of aquatic resources in Section 3.18.2. As requested, the following was inserted after the second paragraph in Section 3.18.2, Affected Environment, on page 3.18-3 in Section 3.18, Wetlands and Other Waters, in the Final EIR/EIS:

“Through most of the project area, the jurisdictional waters consist of ephemeral and intermittent channelized drainage courses that were either created to manage irrigation runoff or are derived from natural runoff channels. A few small, ephemeral, natural drainage courses remain in patches of undisturbed land south of Lake Perris. The central segment of the alignments of the MCP Build Alternatives crosses the San Jacinto River, which is also channelized. Although this part of the San Jacinto River is ephemeral, there is sufficient water, including irrigation runoff, to support weedy, herbaceous hydrophytic vegetation. There is also some scattered woody riparian vegetation on the banks of the River. At the east end of the MCP alignment, the proposed SR-79 interchange intersects the San Jacinto River, as well as the Massacre Canyon/Potrero Creek alluvial fan system draining from the north. These drainages are ephemeral and extensively channelized, and do not meet wetland criteria. However, south of the San Jacinto River, in its historic floodplain, several agricultural and other drainage channels, as well as adjacent low-lying areas, accumulate sufficient water to support hydrophytic vegetation and are considered wetlands. Some of these wetlands are represented by substantial stands of woody riparian vegetation.

The following information describes the project reaches and the land uses, vegetation, and water resources along those reaches. This information is from Section 4.2 in the Habitat Mitigation and Monitoring Plan (HMMP) for USACE Jurisdictional Waters; provided in Appendix P of the Final EIR/EIS:

REACH 6: Reach 6, the western segment of the MCP project, extends east across the Perris Valley from the City of Perris to Lake Perris. The waters in these areas are mostly dry, unvegetated roadside ditches. The land cover along this reach is mainly developed and ruderal, and the remaining land with vegetation consists of cropland and scattered components of nonnative grassland and Riversidean sage scrub.

The largest jurisdictional feature within this reach is the Perris Valley Storm Drain, which is a major tributary of the San Jacinto River and drains approximately 85 square miles in the Perris and Moreno Valleys. The Perris Valley Storm Drain is dominated by urban runoff and contains pockets of wetland throughout its extent. Segments of the Perris Valley Storm Drain consist of freshwater marsh and emergent wetland, although most of the area is relatively sparsely vegetated with ruderal vegetation due to regular maintenance by the Riverside County Flood Control District.

REACH 7: Reach 7 is in the San Jacinto Valley extending along Ramona Expressway from immediately south of Lake Perris to Warren Road. The land uses along this reach consist primarily of cropland and livestock feed yards. It also includes the San Jacinto River crossing in the Lakeview area. Most of the drainages along this reach are in agricultural areas and are ephemeral stream courses intersected by Ramona Expressway. Other than at the San Jacinto River (which contains some marsh and sparsely vegetated riparian scrub), the drainages contain no riparian vegetation or distinct differences in vegetation from the adjacent upland areas.

REACH 8: Reach 8 is also in the San Jacinto Valley extending along Ramona Expressway from Warren Road to SR-79, and includes the San Jacinto River, agricultural ditches south of the river, and drainage from Potrero Creek (northeast of the SR-79 crossing of the San Jacinto River). The jurisdictional features within Reach 8 are mostly ephemeral drainages within cropland and developed areas. Areas within and immediately south of the San Jacinto River contain riparian forest. However, other vegetative components in undeveloped areas along this reach include Riversidean alluvial fan scrub, alkali grassland, and freshwater marsh. Wetlands in Reach 8 primarily consist of agricultural ditches and ponds.”

The references in the second paragraph in Section 3.18.2 to the appendices and detailed maps in the appendices were retained to direct interested readers to that more detailed information.

F-4-10

As requested, the third paragraph in Section 3.18.2.1, United States Army Corps of Engineers and California Department of Fish and Wildlife, on page 3.18-5 in the Final EIR/EIS, was revised to read (changes shown in italics):

“In this section, USACE jurisdictional areas are described as either wetland or non-wetland *waters of the United States*. The USACE

defines wetlands as ‘...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.’ To satisfy the USACE wetland definition, an area must possess three wetland characteristics: (1) hydrophytic vegetation,¹ (2) hydric soils,² and (3) wetland hydrology.³ Generally, non-wetland waters *of the United States* are those *streams or drainages that exhibit an ordinary high water mark but do not meet the definition of a wetland and can include perennial, intermittent, and ephemeral drainages. Non-wetland waters of the United States are still regulated by the USACE when they have a surface hydrologic connection to a traditional navigable water (TNW) (e.g., the Pacific Ocean) and when the surface hydrologic connection provides a significant nexus to the downstream TNW. In other words, when it can be demonstrated the waterway contributes to the biological, chemical, and/or physical integrity of a TNW. Note that a consistent ordinary high water mark is not needed for a significant nexus to exist.*”

F-4-11

This comment requests clarification of reasons for the use of different methods of functional assessments in the Recirculated Draft EIR/Supplemental Draft EIS. The functional assessment referred to in the comment as the Wetland Evaluation Technique (WET) was conducted in conjunction with the jurisdictional delineation to satisfy Caltrans requirements for such an assessment. It should be noted that the functional assessment was not done in strict accordance with the WET methodology due to the substantial data necessary to conduct a quantitative analysis. Instead, it analyzed the functions described in the WET methodology in a qualitative rather than

¹ Plant life that grows, and is typically adapted for life, in permanently or periodically saturated soils.

² Soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions (i.e., absence of oxygen) in the upper part of the soil.

³ Areas with wetland hydrology are those where the presence of water has an overriding influence on vegetation and soil characteristics due to anaerobic and reducing conditions, respectively.

quantitative assessment. The primary purpose of that assessment was to give the reader an easily understood textual description of the value, condition, and function of the aquatic resources, but in more detail than requested in comment F-4-9. The Engineer Research and Development Center (ERDC) riparian ecosystem integrity assessment is a highly technical, quantitative approach. This quantitative assessment is very useful for comparing the effects of various alternatives on variable sets of resources. The following text was added at the end of the first paragraph in Section 3.18.2.4 on page 3.18-14 in the Final EIR/EIS: “These two methods are complementary and not mutually exclusive. They can be used together by the agency decision-makers in evaluating impacts of various alternatives, and the riparian ecosystem integrity assessment can also be useful for identifying potential mitigation options.”

The ERDC data were used to help develop the Conceptual Mitigation Plan which was provided in Appendix P, Conceptual Mitigation Plan, in the Recirculated Draft EIR/Supplemental Draft EIS. Functions were considered in the development of the more detailed Habitat Mitigation and Monitoring Plan that is being developed to meet the future USACE, the California Department of Fish and Wildlife (CDFW), and the Regional Water Quality Control Board (RWQCB) permitting requirements for the MCP project. These permit applications will be submitted during the PS&E phase of the MCP project.

In addition, as requested in this comment, the following text was added as the first sentence in Section 3.18.2.3 on page 3.18-13 of the Final EIR/EIS: “A functional wetland assessment identifies the existing functions provided by wetlands within a project area, and assesses the quality of the function provided.”

F-4-12

In the response to this comment, the title of Section 3.18.2.4, “Watershed Level and Conditions Assessment” on page 3.18-14 in the Final EIR/EIS was revised to read (changes shown in italics): “Watershed Level *Riparian Ecosystem Integrity* Assessment.”

The title of Section 3.18.3.2, “Watershed Level Conditions Assessment of Impacts” on page 3.18-36 in the Final EIR/EIS was revised to read (changes shown in italics): “Watershed Level *Riparian Ecosystem Integrity* Assessment of Impacts.”

A global search of the Final EIR/EIS verified that the Final EIR/EIS does not refer to the ERDC report as a Functions Assessment. Therefore, no changes were made to the Final EIR/EIS regarding citations to the ERDC report. Although the *Natural Environment Study* (July 2008) and the *Supplement to the Natural Environment Study*

(December 2011) refer to the ERDC report as a functional assessment, those reports are final and were not revised in the response to this comment.

F-4-13

Table 3.18.A in Section 3.18.2.3, Wetland Functions, on page 3.18-13 in the Final EIR/EIS, was revised to show each function in Reach 5 as Absent, and the footnote cited in this comment was deleted. The revised Table 3.18.A is provided below (changes are shown in *italics*).

F-4-14

This comment states that the assessment of wetland functions should include all wetlands occurring in the MCP project area, not just within the footprint of the Build Alternatives, as seems to be implied by the footnote in Table 3.18.A. This is not the intended interpretation of Table 3.18.A. The qualitative assessment of the functions used in the WET methodology was applied to the entire study area and not specifically to parts of the project area that are either inside or outside of the MCP project “footprint.” As noted in comment F-4-13, the “low” ranking was due to the absence of wetlands rather than a specific assessment in the project area.

Table 3.18.A (Revised) Wetlands Functions

Jurisdictional Delineation Reach	Reach 5	Reach 6	Reach 7	Reach 8
Build Alternatives	4 Modified, 5 Modified, 9 Modified	4 Modified, 5 Modified, 9 Modified	4, Modified, 5 Modified, 9 Modified	4 Modified, 5 Modified, 9 Modified
Function				
Groundwater Discharge/Recharge	<i>Absent</i>	Low	Moderate	Moderate
Flood Flow Alteration	<i>Absent</i>	Low	Moderate	High
Sediment Stabilization	<i>Absent</i>	Low	Moderate	Moderate
Sediment/Toxicant Retention	<i>Absent</i>	Moderate	Moderate	High
Nutrient Removal/Transformation	<i>Absent</i>	Moderate	High	High
Production Export	<i>Absent</i>	Low	Low	High
Wildlife Habitat	<i>Absent</i>	Low	Moderate	Moderate

Source: *Jurisdictional Delineation and Assessment Report, Mid County Parkway* (February 2008); and modified from the *Supplement to the Natural Environment Study* (December 2011).

As noted in the response to comment F-4-13, this table was revised in the Final EIR/EIS to more expressly characterize the functions of wetland resources utilizing the entire MCP study area.

With the revision to this table, the footnote is no longer necessary and will not imply a specific analysis within the project footprint. It should also be noted that the ERDC

analysis described in Appendix M, 404(b)(1) Alternatives Analysis, in the Recirculated Draft EIR/Supplemental Draft EIS included an assessment of the indirect project effects on riparian ecosystem integrity adjacent to the MCP project footprint.

F-4-15

This comment suggests that Table 3.18.A be reorganized or supplemented to provide a comparison of functions among the alternatives. However, the purpose of this table is not to compare the impacts of various alternatives. Table 3.18.A is intended to help provide a general overview of the existing conditions in the various reaches for the various alternatives. This complements the general description in the text that was added to Final EIR/EIS in Section 3.18.2, page 3.18-3, described in the response to comment F-4-9. In addition, as discussed in the response to comment F-4-14, descriptions of the WET functions based on the study area were not developed for each of the many jurisdictional areas that would be impacted by the project. Instead, they were developed for each reach in total, and each reach contains segments of all the alternatives. As described in the *Jurisdictional Delineation and Assessment Report* (December 2013), the study area for the jurisdictional delineation was divided into geographically distinct "Reaches," with boundaries generally based on drainage patterns and functional similarity of wetland areas. There are four geographic reaches (Reaches 5, 6, 7, and 8) within the survey area for the modified MCP project (although no wetlands and very small amounts of non-wetlands are in Reach 5 and are combined into Reach 6 in the HMMP for USACE Jurisdictional Waters; provided in Appendix P of the Final EIR/EIS). Within each reach, larger drainage systems are identified. Isolated wetlands and smaller drainage systems consisting primarily of concrete-lined channels or of ephemeral drainages without riparian vegetation are referred to as Miscellaneous Drainages. Therefore, there is no basis for compiling more detailed tables of comparisons of the impacts of each alternative relative to the WET functions. The requested types of tables and summaries were provided in the ERDC analysis, Table 3.18 D, on page 3.18-19 in the Recirculated Draft EIR/Supplemental Draft EIS, and Appendix M in the Recirculated Draft EIR/Supplemental Draft EIS.

F-4-16

The following sentence was added as the second to the last sentence in the first paragraph of Section 3.18.3.1, Permanent Impacts, on page 3.18-15 in the Final EIR/EIS, to clarify how indirect effects were assessed: "Permanent impacts include both direct and indirect impacts. A qualitative comparison of indirect impacts is

provided later in Section 3.18.3.2, Watershed Level Riparian Ecosystem Integrity Assessment of Impact.”

F-4-17

This comment, regarding cumulative impacts, requests an expansion of the discussion of the degree and intensity of the MCP impacts in relationship to the aggregate effects of other past, current, and future projects, as shown in Figure 3.25.1 on page 3.25-9 in Section 3.25, Cumulative Impacts, in the Final EIR/EIS. The following paragraph was added following the third paragraph in the subsection titled “Build Alternatives” on page 3.25-45:

“The MCP project and the cumulative projects described earlier in Section 3.25.4, Identification of Cumulative Plans and Projects, and shown on Figure 3.25.1 are in an area of Riverside County that is transitioning from rural/agricultural uses to more developed residential and commercial uses.

Specific information regarding the effects of all of the cumulative projects on waters of the United States, including wetlands, was not available at the time the cumulative impacts analysis was conducted because information from environmental studies for those projects had not yet been made available by the local agencies and/or project applicants. However, some general comparisons of the MCP project to the cumulative projects, for purposes of assessing the intensity and context of the impacts of the MCP project, can be made. The alignments of the MCP Build Alternatives would be in an area generally similar to the areas affected by the identified cumulative projects. However, less than 15 percent of the proposed MCP alignment consists of native habitat, whereas other areas adjacent to and in the number of the MCP, as shown on Figure 3.25.1, include specific plan areas in extensive areas of native habitat, which likely contain ephemeral upland drainage courses in proportions similar to the MCP project in the area south of Lake Perris.

The wetland impacts of the MCP Build Alternatives would be approximately 2 acres (ac), whereas the wetland impacts of the SR-79 project will be over 10 ac. Similarly, the crossings of the San Jacinto River by the MCP project alignments will result in substantially less impact than the San Jacinto River Flood Control Project and other likely crossings of the River associated with the cumulative projects.

Overall, the total MCP project impact area of approximately 1,300 acres is approximately 7 percent of the more than 18,300 acres of other cumulative projects.”

F-4-18

The draft Section 404(b)(1) Alternatives Analysis in Appendix M of the Recirculated Draft EIR/Supplemental Draft EIS was prepared consistent with both the National Environmental Policy Act (NEPA) and the Section 404(b)(1) Guidelines. The requested changes regarding the alternatives considered in the analysis (in the Recirculated Draft EIR/Supplemental Draft EIS and the 404(b)(1)) to the Section 404(b)(1) Alternatives Analysis in Appendix M in the Final EIR/EIS were not made. Refer to F-4-19, below, for an explanation of the changes made to Appendix M.

F-4-19

The requested changes to the Section 404(b)(1) Alternatives Analysis in Appendix M in the Final EIR/EIS were not made. Please refer to the discussion regarding the preliminary LEDPA process discussed in detail in Section 2.5.3, Least Environmentally Damaging Practicable Alternative, on page 2-78. The 404(b)(1) Alternatives Analysis in Appendix M has been replaced in the Final EIR/EIS with the Mid County Parkway Preferred Alternative/Preliminary LEDPA Identification (NEPA/404 Checkpoint 3) memorandum (December 18, 2013). In a letter dated February 6, 2014, the USACE concurred with the determination that Alternative 9 Modified with the San Jacinto River Bridge design variation is the preliminary LEDPA.

F-4-20

This comment refers to the adequacy of the Conceptual Mitigation Plan provided in Appendix P in the Recirculated Draft EIR/Supplemental Draft EIS for purposes of satisfying the USACE/United States Environmental Protection Agency (EPA) 2008 Mitigation Rule and requirements of the Clean Water Act (CWA) Section 404 Permit. As described in the response to comment F-3-5, RCTC has continued to work with the USACE and other agencies to refine the mitigation plan, with a goal of a final compensatory mitigation plan that can be approved by the USACE prior to the 404 Individual Permit Decision. The HMMP for USACE Jurisdictional Waters (which replaced the Conceptual Mitigation Plan) is provided in Appendix P in the Final EIR/EIS. The HMMP for USACE Jurisdictional Waters includes creation of both wetlands and non-wetland waters of the United States and associated habitat, with components of enhancement and upland buffer preservation at three specific mitigation sites with detailed engineering provided. Details of the components of the

three mitigation sites are summarized in Table B, Mitigation Site Description, in the HMMP for USACE Jurisdictional Waters (provided in Appendix P of the Final EIR/EIS). As written, it would be permittee-responsible mitigation, because in lieu fee and mitigation bank options are not currently available in the San Jacinto River watershed. Upon establishment of the mitigation areas, the HMMP for USACE Jurisdictional Waters specifies that the sites would be managed by the Western Riverside County Regional Conservation Authority.

F-4-21

This comment addresses determining the amount of compensatory mitigation and what type of assessment should be used to help in determining accordance with the USACE South Pacific Division Mitigation Ratio Checklist. Additional consultation with the USACE regarding these issues was conducted in developing the HMMP for USACE Jurisdictional Waters, which is provided in Appendix P. During refinement of the HMMP for USACE Jurisdictional Waters, the USACE Standard Operating Procedure (SOP) for determining mitigation ratios considered both the indirect impacts of the project and the indirect benefits of the mitigation efforts. The SOP provides for three options to consider these indirect consequences: (1) a qualitative assessment; (2) a California Rapid Assessment Methodology; or (3) a hydrogeomorphic functional assessment, similar to the Riparian Ecosystem Integrity Assessment that was completed by the ERDC for this project.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262



In Reply Refer To:
FWS-WRIV-08B0080-13TA0244

F-5

Mr. Tay Dam
Federal Highway Administration
Los Angeles Metro Office
888 S. Figueroa Street, Suite 1850
Los Angeles, California 90017

APR 22 2013

Subject: Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement for the Mid County Parkway Project, Riverside County, California

Dear Mr. Dam:

The U.S. Fish and Wildlife Service (Service) appreciates the opportunity to review the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (REIR/SEIS) from the Federal Highway Administration (FHWA), Riverside County Transportation Commission (RCTC) and the California Department of Transportation (CalTrans) for the construction of the Mid County Parkway project between Interstate 215 and State Route 79. We previously commented on the Draft EIS/EIR for the larger 32-mile corridor from State Route 79 to Interstate 15 (January 20, 2009). The Project has followed the National Environmental Policy Act (NEPA) and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Project in California Memorandum (NEPA/404 MOU). The Service participates in the Mid County Parkway Small working group which functions as an interagency forum project feedback and implements the NEPA/404 MOU. We are providing the following comments to assist with the development of a final EIR/EIS.

F-5-1

The proposed project would construct an approximately 16-mile regional transportation facility between Interstate 215 and State Route 79. The REIR/SEIS includes analyses of three alternatives, with two design variations, in addition to two no project/no action alternatives. The three build alternatives have varying alignments with most road segments in common. The San Jacinto River Bridge Design Variation proposes two shorter span bridges across the San Jacinto River floodplain instead of a longer span single bridge. Alternative 1A (No Project/No Action-Existing Ground Conditions) assumes 2040 traffic based on land use patterns consistent with the County of Riverside's approved General Plan and the planned street network, without future improvement to the Ramona Expressway. Alternative 1B (No Project/No Action-General Plan Circulation Element) is the same as 1A, but assumes the implementation of the County of Riverside's approved General Plan circulation element including planned improvements to the Ramona Expressway.

The Service has issued Incidental Take Permits in association with two habitat conservation plans pursuant to section 10(a)(1)(B) of the Endangered Species Act within the project area. The Service will continue our coordination on the proposed project through the policies and procedures identified in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), and the Habitat Conservation Plan for the Stephens' Kangaroo Rat (SKR HCP).

F-5-2

San Jacinto River Bridge at Lakeview

The base case design for the San Jacinto River Bridge would avoid encroachment into the San Jacinto River floodway and is environmentally preferable to the Design Variation. The bridge is required for all three alternatives (4 Modified, 5 Modified, and 9 Modified). The base case design provides for a 4,321-foot deck on columns (Figure 3.9.4) spanning the San Jacinto River floodplain. Alternatively, the Design Variation (Figure 3.9.5) proposes two shorter sections on columns (531 feet and 1,941 feet) and approximately 1,849 linear feet of fill on either end of the bridges. The proposed Design Variation was not included in the Draft EIS/EIR circulated for the originally proposed 32 mile project, so the full span base case bridge is clearly feasible.

The alignment of the proposed Mid County Parkway where it crosses the San Jacinto River in Lakeview runs between two MSHCP reserve elements, Existing Core H to the north of the alignment and the Proposed Extension of Existing Core 4 on the south. The MSHCP planning species for Proposed Extension of Existing Core 4 are dependent on the San Jacinto River and its floodplain processes.

We recognize that the bridge in the existing Ramona Expressway confines the flow of the San Jacinto River. The design variation would result in fill (structures) in the floodplain and limit floodplain processes in the MSHCP conservation area. It would also preclude the opportunity to remove the obstruction at the Ramona Expressway and restore full expression of river floodplain processes within the MSHCP conservation area. The Service recommends that RCTC and CalTrans adopt the environmentally superior full San Jacinto River Bridge proposal because it would result in substantially less fill in the 100 year floodplain of the San Jacinto River and preserve future and existing flood plain processes which will support the MSHCP conservation scenario in the Proposed Extension of Existing Core 4.

F-5-3

Wildlife Connectivity and Fencing

The discussion in the REIR/SEIS on wildlife connectivity appropriately considers the MSHCP reserve configuration and the potential for the proposed roadway to affect wildlife movement directly and indirectly. The Service recognizes and appreciates the efforts to incorporate wildlife movement as project features in order to minimize the adverse effects of habitat fragmentation. We recommend continued coordination as further detailed engineering designs commence. The Service also recommends that the project include a detailed monitoring and maintenance plan to determine and maintain the efficacy of the crossings for target wildlife species.

F-5-4

F-5-5

MSHCP and Determinations of Biologically Equivalent or Superior Preservation

We request that you coordinate with our office and the California Department of Fish and Wildlife on the Determinations of Biologically Equivalent or Superior Preservation (DBESPs)

F-5-6



Mr. Tay Dam (FWS-WRIV-08B0080-13TA0244)

3

that will be prepared consistent with the MSHCP for riparian/riverine resources, and focused survey plants and animals prior to publication of the final EIR/EIS, so that we can come to agreement on specific offsetting conservation commitments. Please include the specific offsetting conservation commitments for these species in the final EIS.

F-5-6

Additionally, the assessment of impacts to riparian/riverine resources in the REIR/SEIS (Table 3.17.C and Page 3.17-26) did not include the alkali grassland in the project footprint. This vegetation community is part of the San Jacinto River floodplain riverine system and we request that you include affected areas of alkali grassland in the DBESP for riparian/riverine resources.

F-5-7

Clean Water Act Section 404 Mitigation

The Service appreciates the commitment to work with State and Federal agencies to develop a compensatory mitigation strategy for offsetting unavoidable impacts to waters of the United States and requests that further discussion of the offsetting measures be included in the Small Working Group meetings in preparation for upcoming Least Environmentally Damaging Practicable Alternative (LEDPA) checkpoint under the NEPA/404 MOU. Potential on- and off-site mitigation opportunities were identified in A Conceptual Mitigation Plan (Appendix M). We encourage the selection of mitigation sites which support the MSHCP conservation scenario and comply with the 2008 Army Corps of Engineers and Environmental Protection Agency Compensatory Mitigations Rule.

F-5-8

F-5-9

We appreciate the opportunity to comment on the REIR/SEIS. We further commend the effort to coordinate and collaborate with State and Federal agencies to minimize and avoid project related environmental effects prior to the release on the REIR/SEIS and the commitment to continued coordination as the project completes environmental review. We look forward to working with you on the LEDPA determination and the MSHCP DBESPs and Joint Project Review Process. If you have any questions regarding this letter please contact John Taylor or Karin Cleary-Rose at 760-322-2070, extensions 218 and 206 respectively.

F-5-10

Sincerely,



Kennon A. Corey
Assistant Field Supervisor

cc:

Marie Petry, CalTrans District 8
Cathy Bectel, RCTC
Susan Myer, U.S. Army Corps of Engineers
Susan Sturges, EPA
Jeff Brandt, CDFW

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F-5-1

Please refer to the responses to comments F-5-2 through F-5-10, below.

F-5-2

The Riverside County Transportation Commission (RCTC), Caltrans, and the Federal Highway Administration (FHWA) appreciate the United States Fish and Wildlife Service's (USFWS's) continued coordination through the completion of the Final EIR/EIS based on the policies and procedures in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the Habitat Conservation Plan for the Stephens' Kangaroo Rat (HCP for SKR).

F-5-3

Similar to comment F-3-4 from the United States Environmental Protection Agency (EPA), the USFWS recommends in this comment that the full San Jacinto River Bridge rather than the Design Variation for the bridge be included in the selected alternative. The process used to evaluate the alternatives and identify the preferred alternative for the MCP project, including the design for the San Jacinto River Bridge, is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. As discussed in Section 2.5.5, Alternative 9 Modified with the San Jacinto River Bridge Design Variation (SJRBDV) has been identified as the preferred alternative by FHWA and RCTC.

As requested in this comment, the consideration of the longer bridge span of the San Jacinto River under the "base case" design in comparison to the shorter bridge span of the San Jacinto River Bridge Design Variation was fully evaluated in the NEPA/404 Checkpoint 3 Preliminary LEDPA package provided in Appendix M, in the Final EIR/EIS. Based on their review of this information, when all the factors were considered by FHWA, Caltrans, and RCTC in the alternatives analysis, the relatively small additional impact to the conservation value as a result of the shorter bridge (including consideration of minimal changes in hydrology and comparing fill versus shade impacts, no increase in impacts to waters of the U.S., and an increase in impacts to 6.3 acres of alkali plant communities in the San Jacinto River floodplain) was outweighed by the cost savings and appropriate mitigation in accordance with the Western Riverside County MSHCP for alkali plant communities. The USFWS ultimately concurred on the San Jacinto River Bridge Design Variation as part of the Preliminary LEDPA/Preferred Alternative (see USFWS letter dated February 18, 2014 provided in Appendix J in the Final EIR/EIS).

F-5-4

The USFWS acknowledgement of the RCTC efforts to incorporate project features for wildlife movement in the Build Alternatives to address habitat fragmentation is noted. No further response is needed.

F-5-5

The USFWS requests that RCTC continue coordination with the agency as further detailed engineering designs are developed. The USFWS also requests that the MCP project include a detailed monitoring and maintenance plan to determine and maintain the efficacy of the crossings for target wildlife. RCTC has continued, and will continue, to coordinate with the USFWS regarding wildlife crossings and fencing, as required under the Western Riverside County MSHCP and as addressed in the MSHCP Consistency Analysis. RCTC will provide for monitoring and maintenance of the wildlife crossing, consistent with the requirements of Section 7.5.2 of the MSHCP. As documented in the MSHCP Consistency Analysis, as a result of USFWS and CDFW requests, Wildlife Crossing No. 10 was redesigned, and this crossing will be restricted to wildlife usage only and will not be used for any human trail connections. A separate pedestrian/equestrian trail will be provided at a separate location in consultation with Riverside County. The design of Wildlife Crossing No. 10 includes features such as cover, a rock bench, a second dry crossing, and a fencing plan that will be submitted to RCA and Wildlife Agencies for review and approval, so that the efficacy of that crossing will be maximized. As recommended in Section 7.5.2 (Guidelines for Construction of Wildlife Crossings) in the MSHCP, monitoring of wildlife usage of Wildlife Crossing No. 10 will be achieved through provision of a built-in lockable box within each wall to facilitate monitoring activities through use of still photography or video monitoring. Maintenance of Wildlife Crossing No. 10 will be performed by Caltrans if the MCP is designated as a State Highway or by the County of Riverside if the MCP becomes a County road.

Section 2.3.2.11, Fencing and Median Barriers, describes the fencing included in the MCP Build Alternatives as follows: “Fencing would be installed along the right of way limits for the entire length of the MCP Build Alternatives. The height of the fencing will vary, with fencing in urban areas at 6 ft and in rural areas at 5 ft. The type of fencing may include but is not limited to: (1) chain link fencing (Type CL-6 or equivalent) in urban or developed areas; and (2) barbed wire (Type BW) and wire mesh (Type WM) in rural areas. The specific locations, and the fence types and heights will be finalized in consultation with Caltrans and the affected local jurisdictions and property owners during final design because the current 35 percent design level plans do not provide this level of detail.”

F-5-6

Throughout the preparation of the Final EIR/EIS, RCTC continued to coordinate with both the USFWS and the California Department of Fish and Wildlife (CDFW) regarding the Determination of Biologically Equivalent or Superior Preservation (DBESPs) for riparian/riverine resources and focused survey plants and animals. Specific offsetting conservation commitments have been identified in the DBESPs for these resources and species, which are provided in the *Mid County Parkway Western Riverside County Habitat Conservation Plan Consistency Determination*, provided in Appendix T in the Final EIR/EIS. Please also refer to Section S.5.1, Master Response Related to the Western Riverside County Multiple Species Habitat Conservation Plan, on page S-6, for discussion regarding the requirements of the Western Riverside County MSHCP applicable to the MCP project and how the MCP project was determined to be consistent with the Western Riverside County MSHCP. That Master Response also discusses the DBESPs prepared for the MCP project. As documented in Appendix T, the USFWS and CDFW concurred on the MSHCP Consistency Determination and DBESP in a joint agency letter dated November 14, 2014.

F-5-7

In addition to the other riparian/riverine areas (i.e., marsh, riparian forest, riparian scrub, and CDFW Jurisdictional Areas without Marsh, Riparian Forest, or Riparian Scrub) identified in Tables 3.17.D and 3.17.K on pages 3.17-22 and 3.17-58, respectively, in the Final EIR/EIS, the DBESP for riparian/riverine resources includes the following alkali communities in the San Jacinto River Floodplain at Lakeview: alkali grassland and cropland, as requested in a follow-up email from Karin Cleary-Rose (USFWS) to Stephanie Standerfer (Dudek) on April 24, 2014 (note: alkali grasslands outside the San Jacinto River floodplain are not included as riverine resources). The DBESP is provided in *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* provided in Appendix T of the Final EIR/EIS. As documented in Appendix T, the USFWS and CDFW concurred on the MSHCP Consistency Determination and DBESP in a joint agency letter dated November 14, 2014.

F-5-8

Throughout the preparation of the Final EIR/EIS, the Resource Agency Coordination group (previously the Small Working Group) meetings continued to provide a forum for discussing compensatory mitigation for offsetting impacts to waters of the United States in preparation for the least environmentally damaging practicable alternative (LEDPA) checkpoint. The Habitat Mitigation and Monitoring Plan (HMMP) for

USACE Jurisdictional Waters (which replaced the Conceptual Mitigation Plan) is provided in Appendix P in the Final EIR/EIS.

F-5-9

The USFWS encouragement to select mitigation sites that support the Western Riverside County Regional Conservation Authority and comply with the 2008 Army Corps of Engineers and Environmental Protection Agency Compensatory Mitigation Rule is noted. The MCP project team has coordinated the proposed mitigation for impacts to waters of the United States and waters of the State with the mitigation in the DBESP for riparian and riverine habitats.

Mitigation sites are identified in the HMMP for USACE Jurisdictional Waters, which is provided in Appendix P in the Final EIR/EIS. These proposed sites support the conservation goals of the Western Riverside County MSHCP and comply with the 2008 USACE Compensatory Mitigation Rule. Based on extensive coordination with USFWS, USACE and USEPA during the NEPA/404 MOU Integration process, three sites have been identified. One (Pico Avenue) would be the creation of two alluvial wash systems bordered by upland buffers. The so-called Martin Street site would be the creation of an alkali playa adjacent to the San Jacinto River. While this site will not be required to meet wetland criteria, it is expected that the heavy clay soils will at least occasionally be saturated, and will function in a manner similar to the alkali floodplain that likely existed prior to channelization of the San Jacinto River. Finally, the site referred to as Sanderson Avenue will have a substantial water supply in an area of high groundwater, and is designed to be a wetland area that will support woody and possibly herbaceous emergent wetland plants. This habitat is of limited extent in Western Riverside County and of high value, primarily to riparian bird species.

F-5-10

RCTC and FHWA appreciate the continued commitment of the USFWS to coordinate through the environmental process leading to the Final EIR/EIS, including the LEDPA determination, the Western Riverside County MSHCP Consistency Determination including the DBESPs, and the Joint Project Review Process. As documented in Appendix T, the USFWS and CDFW concurred on the MSHCP Consistency Determination and DBESP in a joint agency letter dated November 14, 2014.

S.6.2 State Agency Comments and Responses (S-1)

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Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

March 1, 2013

RECEIVED
MAR 04 2013

RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

Ms. Cathy Bechtel
Riverside County Transportation Commission
P.O. Box 12008
Riverside, California 92502

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT / SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE MID COUNTY PARKWAY PROJECT, (SCH#2004111103), RIVERSIDE COUNTY

Dear Ms. Bechtel:


The Department of Toxic Substances Control (DTSC) has received your Recirculated Draft Environmental Impact Report / Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the above-mentioned project. The following project description is stated in your document:

"The Riverside County Transportation Commission (RCTC), the California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA) propose to improve west-east transportation in western Riverside County (County) between Interstate 215 (I-215) in the west and State Route (SR) 79 (SR-79) in the east, a distance of approximately 16 miles (mi). The proposed project will construct a new freeway, known as the Mid County Parkway (MCP), which will provide a direct and continuous route connecting major population/employment centers. The MCP project is located between the SR-91/SR-60 corridor and SR-74 in western Riverside County.. The land uses in the project area are rural and suburban uses including residential, agricultural, industrial, commercial, open space/conservation areas, and undeveloped lands."

Based on the review of the submitted document DTSC has the following comments:

- 1) The RDEIR/SDEIS should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).

S-1-1

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <ul style="list-style-type: none">• Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).• Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.• Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.• Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.• GeoTracker: A List that is maintained by Regional Water Quality Control Boards.• Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.• The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS). | S-1-1 |
| <p>2) The RDEIR/SDEIS should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.</p> | S-1-2 |
| <p>3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the RDEIR/SDEIS.</p> | S-1-3 |
| <p>4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.</p> | S-1-4 |

- | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 5) | Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. | S-1-5 |
| 6) | Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. | S-1-6 |
| 7) | If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project. | S-1-7 |
| 8) | If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. | S-1-8 |
| 9) | DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields , or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489. | S-1-9 |
| 10) | Also, in future CEQA document, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail. | S-1-10 |

Ms. Cathy Bechtel

March 1, 2013

Page 4

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rafiq Ahmed", followed by the word "for" in a similar script.

Rafiq Ahmed
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3710

S-1-1

The Recirculated Draft EIR/Supplemental Draft EIS evaluated whether conditions in the project area may pose a threat to human health or the environment. Specifically, the *Hazardous Waste Initial Site Assessment* (ISA, July 2011) for the MCP project included a linear search of the American Society for Testing and Materials 1527-05 database within 0.25 mile of the alignments of the Build Alternatives. Based on that database search, known hazardous waste releases within 0.25 mile of the alignments were described in Table 3.13.A starting on page 3.13-3 in Section 3.13, Hazardous Waste and Materials, in the Final EIR/EIS. Table 3.13.B, starting on page 3.13-22 in Section 3.13, lists known hazardous materials users and generators with 0.25 mile of the alignments. The *Site Information Report* (January 1, 2011) conducted for the MCP project is provided in Appendix A, Records Search (TRACK Info Services, LLC) in the *Hazardous Waste Initial Site Assessment*. All the databases cited in this comment were included in the databases searched as part of the *Site Information Report*. The complete list of those databases is provided in the Search Summary Report provided in Appendix A in the *Hazardous Waste Initial Site Assessment*. A description of each of those databases is also provided in Appendix A of that report.

S-1-2

Section 3.13.2, starting on page 3.13-1 in Section 3.13, in the Recirculated Draft EIR/Supplemental Draft EIS, evaluated the potential for recognized environmental concerns including petroleum hydrocarbon impacted soils or groundwater; lead-impacted soils; asbestos, lead-based paint, and polychlorinated biphenyls (PCBs) in structures; PCB-contaminated soil below pole-mounted transformers; lead or chromium-containing traffic striping and pavement-marking materials; railroad-impacted soils; pesticide-impacted soils; and unknown hazards. The Final EIR/EIS identifies the mechanisms and oversight agencies for any potentially contaminated sites in the project limits, as applicable, in the following measures provided in Section 3.13.4, Avoidance, Minimization, and Mitigation Measures, in Section 3.13:

Measure HW-1, on page 3.13-37, requires site-specific investigations during final design for any properties that would be acquired as part of the MCP project. This measure identifies the Riverside County Department of Environmental Health (DEH) and the Regional Water Quality Control Board (RWQCB) as potential oversight agencies for the project, and any environmental investigations, sampling, and/or remediation would be overseen by these agencies in accordance with a workplan approved by the agencies.

Measure HW-2, on page 3.13-38, requires aerially-deposited lead (ADL) sampling of unpaved locations adjacent to existing state highway rights of way within the project limits, if not previously tested, in compliance with applicable federal, state, and local regulations related to the identification, removal, handling, and disposal of ADL. The Department of Toxic Substances Control (DTSC) is the oversight agency for lead-impacted soils within state highway rights of way.

Measure HW-3, on page 3.13-39, requires predemolition asbestos, lead-based paint, and polychlorinated biphenyl surveys of any structures that will be renovated or demolished as part of the MCP project. This measure requires that removal, storage, transportation, and disposal of any hazardous waste be conducted in accordance with the California Health and Safety Code.

Measure HW-4, on page 3.13-40, requires inspections of utility pole-mounted transformers that will be relocated or removed as part of the project. Any confirmed PCBs or PCB-contaminated soil will be removed, handled, stored, and disposed of consistent with applicable laws and regulations. Agencies with review and/or approval authority associated with these activities include the United States Environmental Protection Agency and the applicable County or City environmental agency.

Measure HW-5, on page 3.13-40, requires proper disposal of yellow traffic striping and pavement-marking material, which may contain chromium or lead in accordance with the California Department of Transportation (Caltrans) Standard Special Provisions.

Measure HW-6, on page 3.13-40, requires compliance with South Coast Air Quality Management District Rule 1403.

Measure HW-7, on page 3.13-40, requires coordination with the Riverside County DEH, DTSC, and the United States Department of Defense, as applicable, regarding the removal and disposal of groundwater. Any extracted groundwater would be disposed of consistent with the requirements of the Waste Discharge Identification Number or the individual RWQCB permit for the MCP project.

Measure HW-8, on page 3.13-41, requires sampling of soils adjacent to the Burlington Northern Santa Fe (BNSF) railroad tracks that will be disturbed during construction of the project for petroleum hydrocarbons, metals, solvents, and other potential contaminants to determine whether they require special handling and disposal. Soils exceeding California Health and Safety Code criteria for hazardous waste will be disposed of at an appropriate Class I or II facility. Agencies with review

and/or approval authority associated with these activities include the Regional Water Quality Control Board and the DTSC. It is acknowledged that if DTSC is involved in these activities, it would require an oversight agreement with RCTC to review the required documents.

Measure HW-9, on page 3.13-41, requires soil sampling for pesticides in former or current agricultural properties that will be disturbed by the project where soil has not otherwise been disturbed. RCTC would be the agency responsible for conducting the soil sampling required in Measure HW-9. The agency with review and/or approval authority associated with these activities would be the DTSC. It is acknowledged that if DTSC is involved in these activities, it would require an oversight agreement with RCTC to review the required documents.

Measure HW-10, on page 3.13-42, requires compliance with Caltrans Construction Manual, Unknown Hazards Procedures for Construction.

S-1-3

All environmental investigations, sampling, and/or remediation for hazardous waste sites within the project limits have been or will be conducted under a workplan approved and overseen by the regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The ISA for the MCP project which was prepared in accordance with Caltrans standards documents the investigations conducted to date and the Final EIR/EIS identifies specific mitigation measures to address the documented hazardous materials concerns. Environmental investigations, sampling, and/or remediation for a site will be conducted consistent with a workplan approved by the appropriate oversight agency based on implementation of the mitigation measures described in the response to comment S-1-2. Sampling results, as well as closure, certification, or remediation approval reports by regulatory agencies, will be included in those investigations. It is not feasible to conduct these investigations and include them in the Final EIR/EIS because RCTC does not own the properties that may require these investigations, any such testing and remediation could result in ground disturbance or disturbance of existing structures, which are activities that would need to be undertaken as part of the project implementation itself. In addition, new contamination may occur if the investigations are completed too far in advance of right of way acquisition.

S-1-4

The potential for project effects related to asbestos-containing materials and lead-based paints are specifically addressed in Section 3.13.3.2, Temporary Impacts, on page 3.13-33 in Section 3.13 in the Final EIR/EIS. To be more comprehensive, the

second sentence in the fourth paragraph in Section 3.13.3.2 on page 3.13.34 was revised to read (changes shown in italics): “Structures *and asphalt/concrete paving materials* that would be removed or modified as part of the MCP project may contain asbestos-containing materials, PCBs, *mercury*, lead-based paint, and/or *other hazardous materials*...” The title of Measure HW-3 on page 3.13-39 was changed to: “*Hazardous Building Materials Surveys*.” The first sentence in Measure HW-3 was revised to read “...contract to RCTC to conduct predemolition *hazardous materials surveys for all potentially hazardous materials such as* asbestos, lead-based paint, *mercury*, and polychlorinated biphenyl (PCB)...”

S-1-5

Please refer to the response to comment S-1-2 for a description of measures addressing potentially contaminated soils. Soil imported to the site for use as fill during construction will be acquired from sources which can document that those soils are free of contamination.

S-1-6

Mitigation Measure HW-11, on page 3.13-42, requires the preparation and implementation of a Health and Safety Plan as follows: “**Health and Safety Plan.** Prior to any site preparation, disturbance, grading, and construction, the RCTC Resident Engineer will require the Construction Contractor to prepare a site-specific Health and Safety Plan consistent with Caltrans and applicable regulatory requirements that were prepared by the Construction Contractor. The Plan will include, but not be limited to, the following:

- Identification of key personnel
- Summary of risk assessment for workers, the community, and the environment
- Air Monitoring Plan
- Emergency Response Plan

The RCTC Resident Engineer must review and approve the Plan prior to the Construction Contractor accessing any project construction areas.”

The Health and Safety Plan will be based on the known information regarding hazardous materials and wastes within the disturbance limits of the selected alternative based on the ISA, the Final EIR/EIS, and additional Phase I and II ISAs conducted during final design. Health and Safety Plans are detailed plans typically prepared at the end of final design and prior to any site disturbance or initiation of any other construction activities. The intent of the Health and Safety Plan is to reduce or avoid potential health and safety hazards for workers and the general public,

including both risks associated with known conditions (i.e., design, construction plans, and known hazards) as well as risks associated with encountering unknown hazards during construction activities. These plans are prepared when final design is nearly complete so they can be very specific to the anticipated construction activities, equipment types, and the areas anticipated to be disturbed.

The Health and Safety Plan will require the construction contractor to ensure compliance with applicable regulations and requirements regarding the handling, removal, storage, and disposal of hazardous materials and wastes during all construction activities. The implementation of Measures HW-1 through HW-10 include additional actions to protect the health and safety of construction workers and the general public, and to minimize impacts to the environment.

As discussed on page 4-52 in Section VIII, Hazards and Hazardous Materials, in the Final EIR/EIS, the potential effects of the MCP Build Alternatives related to hazardous materials and wastes are less than significant or less than significant after mitigation under CEQA.

S-1-7

Mitigation Measure HW-9, on page 3.13-41 in the Final EIR/EIS, was expanded to include potential materials associated with other agricultural activities including animal grazing as follows (changes shown in *italics*):

“HW-9 Soil Sampling for Pesticides and Other Agriculture-Related Materials. Prior to completion of right of way acquisition, the RCTC Project Engineer will require a qualified consultant (Contract Qualified Consultant) under contract to the RCTC to conduct soil sampling for pesticides, *other agricultural chemicals, organic (animal) waste, and other potentially hazardous agricultural-related residues* in former or current agricultural/*grazing* properties that will be disturbed by the project where soil has not otherwise been disturbed (through grading, etc.).

It is not feasible to conduct soil sampling and, if needed, remediation, and include the results of those activities in the Final EIR/EIS because RCTC does not currently own the properties that may require these investigations. Any such testing and remediation could result in ground disturbance or disturbance of existing structures, which are activities that would need to be undertaken as part of the project implementation itself. In addition, new contamination may occur if

those investigations are conducted too far in advance of property acquisition.

The performance standard for this measure is in compliance with applicable federal, state, and local regulations *regarding residues related to agricultural/grazing operations*. The analytical results of the soil sampling will determine the appropriate handling and disposal of the soil. Sampling will be conducted in accordance with DTSC Interim Guidance for Sampling Agricultural Fields for School Sites (August 26, 2002).”

S-1-8

Section 3.13.3.1, Permanent Impacts, on page 3.13-31 in the Final EIR/EIS, describes the potential impacts related to hazardous materials and wastes during operation of the MCP Build Alternatives. As discussed in that section, potential spills of hazardous materials/wastes on the MCP facility and the use of hazardous materials during maintenance of the MCP facility would be required to comply with existing federal, state, and local regulations regarding those types of activities, including acquiring appropriate permits and identification numbers, and coordinating with the agencies responsible for overseeing those types of activities as noted in this comment. The laws and regulations applicable to an individual spill and the agencies that would be involved in reviewing responses to an individual spill will be specific to each spill and will depend on the material that was spilled, the quantity of spilled material, whether the spill was or was not contained within a containment unit or away from sensitive uses such as watercourses, known or expected effects of the spill outside any containment area, and other event-specific characteristics. These laws and regulations may include water quality regulations (refer to Section 3.10 in the Final EIR/EIS) or specific federal laws such as the Community Environmental Response Facilitation Act of 1992 among others (refer to the list on page 3.13-1 in the Final EIR/EIS).

S-1-9

If contaminated properties are found during future site investigations, the Riverside County Transportation Commission (RCTC) will contact DTSC for further direction. Part of the consultation with DTSC would be to determine whether an Environmental Oversight Agreement (EOA) and/or a Voluntary Cleanup Agreement (VCA) with DTSC would be needed.

S-1-10

RCTC accepts electronic submittals of comments on environmental documents on its project-specific websites. For the MCP project, electronic submittals of comments were accepted at www.midcountyparkway.org, as noted in the Notice of Availability provided with the Recirculated Draft EIR/Supplemental Draft EIS. Future notices for the MCP projects or other RCTC projects will continue to include information on how to submit comments to RCTC electronically.

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EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Memorandum

S-2

Date: March 5, 2013
To: All Reviewing Agencies
From: Scott Morgan, Director
Re: SCH # 2004111103
Mid County Parkway

Pursuant to the attached letter, the Lead Agency has *extended* the review period for the above referenced project to **April 10, 2013** to accommodate the review process. All other project information remains the same.

S-2-1

RECEIVED
MAY 12 2013

RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

cc: Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92051

scn#2004111103

MID COUNTY PARKWAY PROJECT

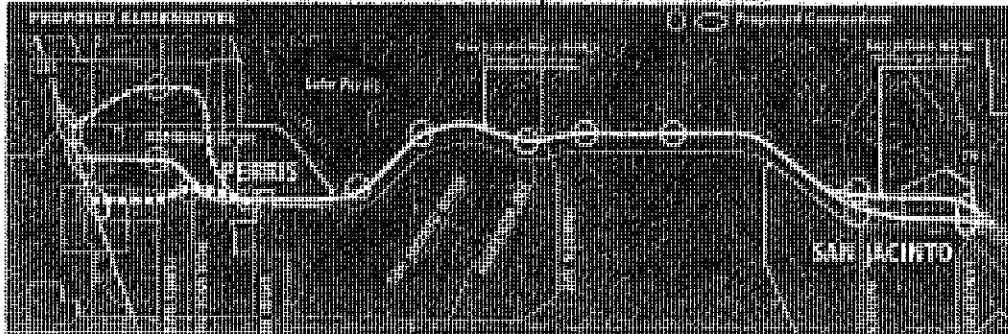
PUBLIC NOTICE

Notice of Extension of Public Review and Comment Period for the Mid County Parkway Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement

RECEIVED

MAR 05 2013

STATE CLEARINGHOUSE



WHAT IS BEING PLANNED?

The Riverside County Transportation Commission (RCTC), the Federal Highway Administration (FHWA), and the California Department of Transportation (Caltrans) are proposing a project to improve west-east transportation in western Riverside County between Interstate 215 (I-215) in the west and State Route 79 (SR-79) in the east. RCTC is the lead agency under the California Environmental Quality Act (CEQA) and FHWA is the Lead Agency under the National Environmental Policy Act (NEPA), in cooperation with Caltrans. The Mid County Parkway (MCP) project is a proposed 16-mile transportation corridor designed to relieve local and regional traffic congestion between the cities of Perris and San Jacinto and surrounding Riverside County communities. The corridor was identified as part of the Riverside County Integrated Project, a region wide planning effort to ensure mobility and protect the environment and quality of life as the area continues to grow. The project alternatives consist of three Build Alternatives (4 Modified, 5 Modified, and 9 Modified) and two No Build Alternatives (1A and 1B).

WHY THIS NOTICE?

The Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS), that was prepared pursuant to Federal and State environmental laws, examines the potential environmental impacts of the alternatives being considered for the proposed MCP project. The document describes why the project is being proposed, the project alternatives, the existing environment that could be affected by the project, the potential environmental impacts of each of the proposed alternatives, and the proposed avoidance, minimization and/or mitigation measures. Potential benefits from future implementation include increased accessibility for residents and businesses and relieving traffic congestion on the regional and local transportation network. Key issues include impacts to community character and cohesion, land use, farmlands, growth-related effects, biological resources, aquatic resources, cultural resources, aesthetics, park lands, open space, residential relocations, business relocations, traffic, noise, air quality, climate change, and temporary construction effects. The proposed work involves sites on a list enumerated under Section 65962.5 of the Government Code to hazardous wastes. One or more of the alternatives being evaluated will have an effect on the historic properties eligible for the National Register of Historic Places. The United States Army Corps of Engineers is a Cooperating Agency under NEPA and intends to use the MCP EIS as the supporting documentation for its future Section 404 permitting action.

This notice is to advise the public that the review and comment period for the RDEIR/SDEIS has been extended 30 days to April 10, 2013. In addition, the project technical studies have been posted on the project website.

WHAT IS AVAILABLE?

The RDEIR/SDEIS and technical studies are available for viewing at the following locations during regular business hours: 1) RCTC, 4080 Lemon Street 3rd Floor, Riverside, CA 92501; 2) FHWA, 650 Capitol Mall, Suite 4-100, Sacramento, CA 95814; 3) Caltrans District 8 Office, 464 W. 4th Street, San Bernardino, CA 92401; 4) Perris Public Library, 163 E. San Jacinto Avenue, Perris, CA 92507; 5) San Jacinto Public Library, 500 Idyllwild Drive, San Jacinto, CA 92583; and 6) Moreno Valley Public Library, 25480 Alessandro Boulevard, Moreno Valley, CA 92553. You may also view the RDEIR/SDEIS and technical studies at www.midcountyparkway.org.

WHERE YOU COME IN

The RDEIR/SDEIS is available for public review and comment between January 25, 2013 and April 10, 2013. The purpose of the public review and comment period is to give interested parties the opportunity to provide their input on the proposed project and the environmental analysis for the project. Public and agency comments previously submitted for the October 2008 Draft EIR/EIS will be included in the MCP Administrative Record, but no formal responses will be prepared. Any comments received during the public review period of the RDEIR/SDEIS will be formally responded to in the Final EIR/EIS. Comments may be submitted online at www.midcountyparkway.org, or mailed to: Ms. Cathy Bechtel, RCTC, P.O. Box 12008, Riverside, CA 92502. All comments must be received no later than 5 PM on April 10, 2013.

CONTACT/SPECIAL ACCOMMODATIONS

For individuals who require special accommodations (documentation in alternate formats, etc.), please call (951) 787-7141 or write to: Ms. Cathy Bechtel, RCTC, P.O. Box 12008, Riverside, CA 92502, before April 10, 2013.

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2004111103

Project Title: Mid County ParkwayLead Agency: Riverside County Transportation CommissionContact Person: Cathy BechtelMailing Address: 4080 Lemon Street, 3rd FloorPhone: 951-787-7141City: RiversideZip: 92051County: RiversideProject Location: County: RiversideCity/Nearest Community: Perris and San JacintoCross Streets: Manv

Zip Code: _____

Longitude/Latitude (degrees, minutes and seconds): _____ " N / _____ " W Total Acres: _____

Assessor's Parcel No.: Manv

Section: _____

Twp.: _____

Range: _____

Base: _____

Within 2 Miles: State Hwy #: I-215 and SR-79Waterways: SeveralAirports: March AirRailways: BNSFSchools: Several

Document Type:

CEQA: ☐ NOP☐ Draft EIRNEPA: ☐ NOIOther: ☒ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec

(Prior SCH No.)

☐ Draft EIS☐ Other: Supplemental☐ Mit Neg DecOther: Recirculated Draft EIR☐ FONSIDraft EIS

Local Action Type:

☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☐ Use Permit☐ Coastal Pennit☐ Community Plan☐ Site Plan☐ Land Division (Subdivision, etc.)☒ Other: Other

Development Type:

☐ Residential: Units _____

Acres _____

☐ Office: Sq. ft. _____

Acres _____

Employees _____

☒ Transportation: Type New Freeway☐ Commercial: Sq. ft. _____

Acres _____

Employees _____

☐ Mining: Mineral _____☐ Industrial: Sq. ft. _____

Acres _____

Employees _____

☐ Power: Type _____☐ Educational: _____

Acres _____

Employees _____

☐ Waste Treatment: Type _____☐ Recreational: _____

Acres _____

Employees _____

☐ Hazardous Waste: Type _____☐ Water Facilities: Type _____

MGD _____

Employees _____

☐ Other: _____

Project Issues Discussed in Document:

☒ Aesthetic/Visual☐ Fiscal☒ Recreation/Parks☒ Vegetation☒ Agricultural Land☒ Flood Plain/Flooding☒ Schools/Universities☒ Water Quality☒ Air Quality☒ Forest Land/Fire Hazard☐ Septic Systems☒ Water Supply/Groundwater☒ Archeological/Historical☒ Geologic/Seismic☐ Sewer Capacity☒ Wetland/Riparian☒ Biological Resources☒ Minerals☒ Soil Erosion/Compaction/Grading☒ Growth Inducement☐ Coastal Zone☒ Noise☒ Solid Waste☒ Land Use☒ Drainage/Absorption☒ Population/Housing Balance☒ Toxic/Hazardous☒ Cumulative Effects☒ Economic/Jobs☒ Public Services/Facilities☒ Traffic/Circulation☐ Other: _____

Present Land Use/Zoning/General Plan Designation:

Many

Project Description: (please use a separate page if necessary)

The RCTC, FHWA, and Caltrans are proposing a project to improve west-east transportation in western Riverside County between Interstate 215 in the west and State Route 79 in the east. RCTC is the lead agency under CEQA and FHWA is the Lead Agency under the NEPA, in cooperation with Caltrans. The Mid County Parkway project is a proposed 16 mile transportation corridor designed to relieve local and regional traffic congestion between the cities of Perris and San Jacinto and surrounding Riverside County communities. The project alternatives consist of three Build Alternatives (4 Modified, 5 Modified, and 9 Modified) and two No Build Alternatives (1A and 1B).

State Clearinghouse Contact:

(916) 445-0613

State Review Began:

1-24-2013

SCH COMPLIANCE

4-10-2013

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2004111103

Please forward late comments directly to the Lead Agency

AQMD/APCD 33(Resources: 1-24)

Project Sent to the following State Agencies

☒ Resources

State/Consumer Svcs

☒ Boating & Waterways

General Services

☐ Coastal Comm

Cal EPA

☐ Colorado Rvr Bd

ARB: Airports/Energy Projects

☐ Conservation☒ ARB: Transportation Projects☒ CDFW # 4

ARB: Major Industrial Projects

☐ Delta Protection Comm

SWRCB: Div. Financial Assist.

☒ Cal Fire

SWRCB: Wtr Quality

☐ Historic Preservation

SWRCB: Wtr Rights

☒ Parks & Rec☒ Reg. WQCB # 8☐ Central Valley Flood Prot.

Toxic Sub Ctrl-CTC

☐ Bay Cons & Dev Comm.

Yrb/Adlt Corrections

☒ DWR

Corrections

☐ Cal EMA☐ Resources, Recycling and Recovery☐ Rus Transp Hous

Independent Comm

☒ Aeronautics

Energy Commission

☒ CHP☒ NAHC☒ Caltrans # 8☒ Public Utilities Comm☐ Trans Planning

State Lands Comm

☐ Housing & Com Dev

Tahoe Reg Plan Agency

☐ Food & Agriculture

Conservancy

☐ Public Health

Other: _____

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S-2-1

This letter is a copy of the memorandum sent by the State Clearinghouse and Planning Unit to all reviewing state agencies notifying those agencies of the extension of the review period for the Recirculated Draft EIR/Supplemental Draft EIS to April 10, 2013. No further response is needed.

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JAMES C. GHIEMMETTI, Chair
CARL GUARDINO, Vice Chair
BOB ALVARADO
DARIUS ASSEMI
YVONNE B. BURKE
LUCETTA DUNN
JAMES EARP
DARIO FROMMER
FRAN INMAN
JOSEPH TAVAGLIONE

STATE OF CALIFORNIA

EDMUND G. BROWN Jr., Governor



S-3

SENATOR MARK DESAULNIER, Ex Officio
ASSEMBLY MEMBER BONNIE LOWENTHAL, Ex Officio

Andre Boulros, Executive Director

CALIFORNIA TRANSPORTATION COMMISSION

1120 N STREET, MS-52
SACRAMENTO, CA 95814
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
FAX (916) 653-2134
(916) 654-4245
<http://www.catc.ca.gov>

March 8, 2013

Ms. Cathy Bechtel
Riverside County Transportation Commission
PO Box 12008
Riverside, CA 92502

RE: Recirculated Draft Environmental Impact Report (RDEIR)/Recirculated Draft Environmental Impact Statement (RDEIS) – Mid County Parkway Project

Dear Ms. Bechtel,

The California Transportation Commission, as a Responsible Agency, received the RDEIR/RDEIS for the Mid County Parkway Project (project). The project will construct a 16 mile west-east transportation corridor between Interstate-215 (I-215) and State Route (SR) 79 in Riverside County connecting the Cities of San Jacinto and Perris. The project will consist of a divided highway including three lanes in each direction with on and off ramps as well as freeway-freeway type interchanges at I-215 and SR-79.

The Commission has no comments to the RDEIR/RDEIS or the alternatives to be considered in the RDEIR/RDEIS. However, the Commission recommends that the Riverside County Transportation Commission (RCTC) and its partners identify and secure the necessary funding to complete the project.

The Commission should be notified as soon as the environmental process is complete as the Commission cannot allocate funds to a project for design, right of way or construction until the final environmental document is complete and the Commission has considered the environmental impacts of the project and approved the environmentally cleared project for future consideration of funding.

Upon completion of the CEQA process, prior to the Commission's action to approve the project for future consideration of funding, the Commission expects the lead and/or implementing agency to provide written assurance whether the selected alternative identified in the final environmental document is or is not consistent with the project programmed by the Commission and included in the Regional Transportation Plan. In the absence of such assurance of consistency, it may be assumed that the project is not consistent and Commission staff will base its recommendations to the Commission on that fact. The Commission may deny funding to a project which is no longer eligible for funding due to scope modifications or other reasons.

S-3-1

Ms. Cathy Bechtel
March 8, 2013
Page 2 of 2

If you have any questions, please contact Laura Pennebaker at (916) 653-7121.

Sincerely,



ANDRE BOUTROS
Executive Director

c: Bruce April, Interim Chief, Caltrans Division of Environmental Analysis

S-3-1

This comment notes that the California Transportation Commission (CTC) is a Responsible Agency under CEQA and has no comments on the Recirculated Draft EIR/Supplemental Draft EIS. It also describes the process required for consideration of funding by the CTC after the completion of the California Environmental Quality Act (CEQA) process for the MCP project. The Riverside County Transportation Commission (RCTC) is aware of these requirements and will work with the CTC after the completion of the CEQA process to provide the required documentation to the CTC.

As discussed on page 1-13, in Section 1.2.1, Funding and Programming, in the Final EIR/EIS, the preferred alternative MCP project (Alternative 9 Modified with the SJRB DV) is consistent with the MCP project programmed in the 2012 Regional Transportation Plan (adopted April 4, 2012).

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DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791

**S-4**

March 11, 2013

RECEIVED
MAR 14 2013RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

Ms. Cathy Bechtel
Project Development Director
Riverside County Transportation Commission
Post Office Box 12008
Riverside, California 92502

Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement for the Mid County Parkway Project, Between Cities of Perris and San Jacinto, Riverside County, Near Milepost 442.95, California Aqueduct, East Branch, Southern Field Division, SCH2004111103

Dear Ms. Bechtel:

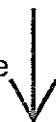
Thank you for the opportunity to review and comment on the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Mid County Parkway Project (Parkway Project) in Riverside County. The RDEIR/SDEIS describes the proposal to improve a 16-mile transportation corridor to relieve local and regional traffic congestion between the cities of Perris and San Jacinto and surrounding Riverside County communities. The Project involves west-east transportation in western Riverside County between Interstate 215 in the west and State Route 79 in the east.

Three build alternatives are proposed in the Parkway Project that affect Ramona Expressway southeast of Lake Perris. One of the alternatives, Alternative 4 Modified, follows a northern alignment near Lake Perris. This alternative follows the Perris Valley Storm Drain to the south of Ramona Expressway and crosses Ramona Expressway in two places, between Lake Perris and Interstate 215. This alternative may impact a pending California Department of Water Resources' (DWR) Emergency Release Facility project that will upgrade and enhance State Water Project infrastructure of Lake Perris. The DWR project, scheduled between 2013 and 2016, includes construction of facilities along the northern alignment of Ramona Expressway, between Perris Valley Storm Drain and Lake Perris Dam. In addition, a future project involving the outlet tower for Lake Perris, near Martin Street and Bernasconi Hills, to the south of Lake Perris, may be impacted. DWR's construction and ongoing operations and maintenance activities shall not be disrupted during the construction of the Parkway Project.

S-4-1

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review. Any future correspondence relating to the above-mentioned concerns of DWR should be sent to:

S-4-2



Ms. Cathy Bechtel
March 11, 2013
Page 2

California Department of Water Resources
Division of Operations and Maintenance
State Water Project Encroachments Section
Attn: Leroy Ellinghouse, Jr.
1416 Ninth Street, Room 641-1
Sacramento, California 95814

S-4-2

If you have any questions, please contact Leroy Ellinghouse, Jr., Chief, State Water Project Encroachments Section, at (916) 653-7168 or Jonathan Canuela at (916) 653-5095.

Sincerely,



David M. Samson, Chief
State Water Project Operations Support Office
Division of Operations and Maintenance

cc: Office of Planning and Research
California State Clearinghouse
1400 10th Street
Sacramento, CA 95812-3044

S-4-1

The comment notes that Alternative 4 Modified may temporarily impact a pending California Department of Water Resources (DWR) Emergency Release Facility Project if the DWP project and the MCP project are under construction concurrently or if the MCP project precedes the DWP project and restricts access to State Water Project infrastructure proposed for improvement as part of the DWP project in the vicinity of Lake Perris, the Perris Valley Storm Drain, and the Ramona Expressway. This comment also notes concern regarding the alignments of the MCP Build Alternatives in relation to the planned outlet tower for Lake Perris.

The comment states that DWR's construction and ongoing operations/maintenance activities shall not be disrupted during the construction of the MCP project.

Table 3.5.A on page 3.5-8 in Section 3.5, Utilities/Emergency Services, in the Final EIR/EIS, was revised to include these two planned DWR facilities. Please note that none of the MCP Build Alternatives will impact the outlet tower for Lake Perris, near Martin Street and Bernasconi Hills, south of Lake Perris because the alignments of all the Build Alternatives are south of the outlet tower.

Table 3.5.A (Revised) Temporary Impacts to Utility Facilities

Utility Provider	Type of Utility	Impacts
California Department of Water Resources (DWR)	Water supply, release facility, outlet tower	<p>The DWR issued a Notice of Preparation of an EIR for the proposed Perris Dam Emergency Release Facility on September 9, 2013. The Emergency Release Facility along the northern alignment of Ramona Expressway between Perris Valley Storm Drain and Lake Perris Dam could be affected temporarily if the DWP project and if Alternative 4 Modified project are under construction concurrently or if Alternative 4 Modified precedes the DWP project and restricts access to State Water Project infrastructure proposed for improvement as part of the DWP project in the vicinity of Lake Perris, the Perris Valley Storm Drain, and the Ramona Expressway. However, these impacts will not occur because Alternative 9 Modified has been identified as the preferred alternative for the MCP project.</p> <p>None of the MCP Build Alternatives will impact the outlet tower for Lake Perris, near Martin Street and Bernasconi Hills, south of Lake Perris because the alignments of all the Build Alternatives are south of the outlet tower.</p>

S-4-2

The following contact information was added on page 7-4 in Chapter 7, Distribution List, in the Final EIR/EIS to ensure that the Final EIR/EIS and other related correspondence was sent to the requested DWR contact person:

California Department of Water Resources
Division of Operations and Maintenance
State Water Project Encroachments Section
Attn: Leroy Ellinghouse, Jr.
1416 Ninth Street, Room 641-1
Sacramento, California 95814

Santa Ana Regional Water Quality Control Board

S-5

March 29, 2013

Cathy Bechtel, Project Development Director
Riverside County Transportation Commission
P.O. Box 12008
Riverside, CA 92502-2208

RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT/ SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT, MID-COUNTY PARKWAY - RIVERSIDE COUNTY TRANSPORTATION COMMISSION, SCH# 2004111103

Dear Ms. Bechtel:

Staff of the Regional Water Quality Control Board, Santa Ana Region (RWQCB) has reviewed the January 2013 Recirculated Draft Environmental Impact Report/ Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the proposed Mid-County Parkway (MCP). The Project is a multi-lane regional, limited access highway proposed for construction between State Route 79 west of San Jacinto (SR-79) and Interstate 215 in Perris (I-215), generally following the present alignment of Ramona Expressway.

The Project would be approximately 16 miles long, depending on which of the following three "Project Build" alternative routes (diverging at about Evans Road, Perris) is chosen (RDEIR/ SDEIS p.2-7-19) for the western end of the MCP:

- 1) **Alternative 4 Modified**, which would curve the parkway to the north along and across the Perris Storm Drain (PSD), then intersect the I-215 near the present Ramona Expressway interchange. A 1.8-mile bridge would be built over the PSD floodplain that would require placement of bridge columns in the PSD channel (RDEIR/SDEIS at p.2-28);
- 2) **Alternative 5 Modified**, which would direct the parkway slightly toward the northwest, to join the I-215 near Rider Street. A 700-ft bridge across the PSD would require placement of bridge columns in the PSD channel; or,
- 3) **Alternative 9 Modified**, the most southerly alignment, which would continue the parkway westerly to join the I-215 near Placentia Avenue. An 800-ft bridge across the PSD would require placement of bridge columns in the PSD channel.

As discussed below, two "design variations" are also proposed as additional options to be considered with these three Alternatives: the "San Jacinto River Bridge Design Variation" (SJRBDV) proposed for the central portion of the MCP, and the "San Jacinto North Design Variation" (SJNDV) proposed for the MCP connection with SR-79.

We request that the following comments be incorporated into the final REIR/SEIS, in order to protect water quality standards (i.e., water quality objectives and beneficial uses) identified in the

Water Quality Control Plan for the Santa Ana River Basin, 1995, as amended (Region 8 Basin Plan):

1. The final REIR/SEIS should reflect that Regional Board staff prefers the Alternative 5 Modified options over the Alternative 9 Modified options (see Comment 3, below), because under Alternative 5 Modified, overall, fewer acres of waters of the state and of the U.S. are likely to receive temporary or permanent impacts. Alternative 5 Modified will have slightly greater permanent impact on federal waters, but less permanent impact on federal wetlands. Regional Board staff recommends no further consideration of Alternative 4 Modified options, which would have the greatest impact of the three Alternatives on wetlands, riparian water bodies, and their water quality standards (RDEIR/SDEIS Appendix E, Table E.2; Table S.1, "Impacts of the MCP Build Alternatives," Executive Summary at p.S-53; Appendix P, Table A).
2. The RDEIR/SDEIS does not clearly report the area of the San Jacinto River channel and its floodplain that would receive fill for construction of either the original MCP "base case" bridge design or its proposed variation. The lack of clarity may lead to conflicting statements, as we explain below.

S-5-1

In the central segment of the MCP route, each Alternative would cross the San Jacinto River directly south of the existing 255-foot Ramona Expressway bridge, which spans the width of the active channel only. The Project's base case bridge is for two parallel, 4,326 foot long continuous spans, supported by columns or bents, across the San Jacinto River and its entire floodplain. The RDEIR/SDEIS proposes the "San Jacinto River Bridge Design Variation" (SJRBDV) to the original design. The SJRBDV consists of a 1,941-foot span over the San Jacinto River and most of its floodplain, plus an additional 531-foot span over Martin Street farther west (a total span length of 2,472 feet for the two bridges). The RDEIR/SDEIS at p.2-17 adds, "The SJRBDV would also include a total of 1,849 linear feet of fill on either end of the bridges within the same limits as the base case bridge." Therefore, we understand that the total length of the SJRBDV system would be 2,472 feet of bridges plus 1,849 linear feet of fill placed at the ends of both bridges (equaling 4,321 linear feet, nearly that of the base case bridge).

S-5-2

Given the above discussion in the RDEIR/SDEIS, including the projected "...series of short spans..." (RDEIR/SDEIS at p.2-29) for the SJRBDV, Regional Board staff believe that the final REIR/SEIS should clarify whether the SJRBDV 1) constitutes a single line of two bridges (versus the parallel "base case" spans) and 2) would result in placement of more fill in the river's floodplain than would the "base case" bridge, while spanning the same width of floodplain. The RDEIR/SDEIS does not report or show details of how the segments SJRBDV system would be joined. If the connection between the two segments involves placement of additional fill within the floodplain, the area and volume of the fill should be reported. For clarity, the final RDEIR/SDEIS should have profile drawings (similar to the profile for a typical wildlife crossing in Appendix I, Attachment E), comparing the profiles of the SJRBDV and the "base case" bridge, so that the differences between these design variations can be visualized for analysis. Plan views comparing the "base case" bridge and the SJRBDV would also be helpful.

Additionally, Appendix E, Table E.2, which lists jurisdictional delineations, and Appendix I, Attachment D, "Summary of Bridge Descriptions and Avoidance of Jurisdictional Areas—Modified MCP," indicate that both the SJRBDV and the "base case" bridge scenarios (bridge pier bents, abutments, etc.) have identical impacts to jurisdictional waters (Table E.2), and will completely avoid federal and state jurisdictional waters (Attachment D). The final RDEIR/

SDEIS should clarify how both cases are true, if the original base case bridge entails less of a fill footprint (fewer bridge columns, supports, etc.) in the San Jacinto River floodplain than does the SJRB DV design. Such clarification could be added to the descriptions of both SJR bridge scenarios in RDEIR/SDEIS at pp.2-28 and 2-29. Because the base case bridge design appears to pose fewer impacts to federal jurisdictional waters and to wildlife-related beneficial uses of the river and its floodplain, and appears to minimize restrictions to flood flows, the "base case" bridge is Board staff's preferred alternative. S-5-2

3. Appendix P, Table A indicates that the "Alternative 5 Modified, San Jacinto North Design Variation" appears to have less overall impact on waters, as acreage¹, than the other Alternatives and variation, and therefore this is the option preferred by Board staff. S-5-3

The original design or "base case" had the eastern end of the MCP connecting with the existing SR-79 immediately south of Ramona Expressway. However, the Project's second design variation (San Jacinto North Design Variation, or SJN DV) would locate the junction of the MCP and SR-79 1,140 feet north of the current Ramona Expressway alignment. None of the above-referenced tables report impacts to wetland and non-riparian wetland water bodies at the optional SJN DV / SR-79 connection. The RDEIR/SDEIS reports, instead, that the "State Route 79 Realignment Project" would ostensibly precede the MCP Project, identify and impact those water bodies, and mitigate for them (Appendix P, Table A footnote). Regional Board staff believes that impacts to water bodies at the proposed MCP junctions with the realigned SR 79 should be analyzed in the MCP's final REIR/SEIS, in order to provide information needed to understand these options' potential effects on waters and water quality and determine mitigation needs, if any.

Appendix P, Table A, most succinctly shows the areas of temporary and permanent impacts to waters of the state, and of the U.S., that would occur with each of three optional alignments for each of the three Alternatives presented, for a total of nine variations. To enable comparison of these alternatives' and variations' impacts on waters, the RDEIR/SDEIS preparers should consider replicating this table within the text of the Report/Study, at about p.2-29. S-5-4

4. We acknowledge that the RDEIR/SDEIS identifies the type and acreage of wetlands and other waters of the U.S. under federal jurisdiction, and waters of the state that are not under federal jurisdiction. However, insufficient information is provided that describes the ecological condition of these waters. Board staff believes that the final REIR/SEIR should include an analysis comparing the ecological condition of each of these waters that will potentially be impacted, using standard metrics, such as California Rapid Assessment Method (CRAM) 6.0, 2012. This information can be useful to inform further analysis of which design options have the least impact on aquatic resources, as measured by the condition of the resource, not merely by acreage impacted. This information will also be useful to determine how to appropriately mitigate for unavoidable impacts to aquatic resources. S-5-5

¹ "Alternative 5 Modified, SJNorth DV" would: 1) impact a combined total of 9.22 acres of temporary and permanent waters of the U.S. and the state; 2) permanently impact 6.70 acres of waters of the U.S.; 3) impact the fewest acres of wetland; and, 4) impact the fewest acres of vegetated water bodies (11.43 acres) under the jurisdiction of the California Department of Fish and Wildlife. In comparison, "Alternative 9 Modified, SJN DV" would have fewer permanent impacts (6.59 acres) to waters of the U.S., but more overall total temporary and permanent impacts (9.84 acres) to waters of the U.S. and state, and to vegetated water bodies (11.97 acres).

5. The RDEIR/SDEIS discusses that an application for Clean Water Act (CWA) Section 401 Water Quality Standards Certification will eventually be submitted to the Regional Board (Table S.1, p.S-54; Table S.2, "Permits and Approvals Needed").² For the as-yet undetermined Alternative, the Certification application should include:

- The number, type, location, and individual and total area of roadway and bridge supports and footings, including columns, piers, bents and fills, that are to be installed in the PSD and San Jacinto River active channel and floodplain;
- The volume, area, and footprint of fill that is to be placed in the PSD and San Jacinto River active channel and floodplain. "Fill" includes footings as well as engineered earth fills;
- The acreage and linear feet of waters of the U.S./state proposed to be impacted by the project;
- Objective information and metrics concerning the ecological condition and function for each water body to be impacted;
- The type of impacts occurring to each water body and its beneficial uses (e.g., fill and/or excavation, alteration of hydrology, removal of vegetation, changes in ecological complexity, shading aquatic resources or environments, etc.);
- Mitigation Plan (see Comment 6., below) of measures to compensate for permanent impact to and loss of waters and their water quality standards;
- Tentative Water Quality Management Plan (WQMP) for the MCP; and,
- The project's proposed drainage plan showing location of proposed stormwater quality BMPs.

S-5-6

6. Regional Board staff agrees with the premise of Appendix P, "Conceptual Mitigation Plan for Impacts to Wetlands and Other Waters of the United States," which is meant to provide the framework for compensatory mitigation to satisfy CWA Sections 404/401, and California Fish and Game Code Section 1602. Appendix P indicates that a number of mitigation opportunities will be utilized following the selection of the final Project Alternative option, but that a minimum 2:1 ratio will be followed for, "...a net increase of aquatic resource function." While short term, temporary impacts will be mitigated through "in-place restoration of resources" at a 1:1 ratio, longer term temporary and permanent impacts will be mitigated with a minimum 2:1 ratio / no-net-loss of aquatic resource acreage approach to mitigation, using "...establishment (creation), restoration, preservation, or enhancement..." actions (p. P-3). Appendix P prioritizes these actions as follows:

S-5-7

- a. On-site and/or off-site establishment (net gain of rebuilt aquatic resource area);
- b. On-site and/or off-site rehabilitation (net gain of aquatic resource function, not area);
- c. On-site enhancement (improvement of aquatic functions); and
- d. Preservation.

This prioritization appears to anticipate that most resources that will be impacted are functioning at a relatively low level. Regional Board staff prefers that for aquatic and riparian resources that have relatively good to high levels of function, to the maximum extent practical, impacts should be avoided, first and foremost, and therefore we believe that enhancement and preservation should be higher mitigation priorities. This assumes that a minimum amount of enhancement is

² The Alternatives Analysis (Appendix M) found the "No Action Alternative under Section 404(b)(1)" to not be feasible, because the Project would invariably impact waters of the U.S.

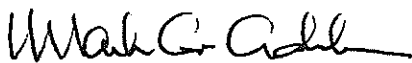
needed to provide the desired functional lift. The other mitigation priorities outlined entail significant intervention to modify existing resources to achieve no net loss or provide functional lift, rather than avoiding or minimizing impacts and preserving or enhancing existing ecological function. S-5-7

Further, various tools for assessing ecological condition should be applied to each water body proposed to be impacted along the chosen alignment. The same tools can also be used to assess and evaluate proposed mitigation sites. Tools including (but not limited to) CRAM 6.0, 2012, the Regional Supplement to the Corps of Engineers Delineation Manual, Arid West Region, USACE, 2008, and USACE's Before-After Mitigation Impact ("BAMI") spreadsheet, 2012, etc., can be used to quantify attributes of a particular water body, to assess magnitude proposed of impact(s), to evaluate proposed mitigation ratios, and to plan mitigation outcomes. This information should then be used to develop resource-condition based "no net loss" mitigation proposals and assess whether proposed mitigation will adequately compensate for unavoidable impairments of the affected water's ecological functions, which include their water quality standards. We concur that the "detailed mitigation plan must be developed,"...in consultation with agency representatives (p.P-21), focusing "on specific mitigation ratios and performance standards..." This consultation is expected to include consideration of no net loss of the function and service of affected waters, as well as no net loss of acreage of aquatic resources. S-5-8

7. In Appendix I, Attachment 3, the Regional Board's December 24, 2004 letter was grouped with "Regional Agencies" historical letters, instead of with those from "State Agencies." Regional Board staff request that the enclosed December 12, 2008 letter, which was not represented in Attachment 3, be included in the Final EIR with our December 24, 2004 letter in the "State Agencies" category. S-5-9

If you have any questions, please contact Glenn Robertson at (951) 782-3259, or Glenn.Robertson@waterboards.ca.gov, or me at (951) 782-3234, or Mark.Adelson@waterboards.ca.gov

Sincerely,



Mark G. Adelson, Chief
Regional Planning Programs Section

Enclosure: Regional Board December 12, 2008 letter

Cc w/encl: State Clearinghouse
U.S. Army Corps of Engineers, Los Angeles – Susan A. Meyer at susan.a.meyer@usace.army.mil
U.S. Fish and Wildlife Service, Carlsbad – Karin Cleary-Rose
California Dept. of Fish and Wildlife, Ontario- Jeff Brandt



Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

December 12, 2008

Cathy Bechtel, Project Development Director
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92501

DRAFT ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT, RIVERSIDE COUNTY TRANSPORTATION COMMISSION, MID- COUNTY PARKWAY, SCH# 2004111103

Dear Ms. Bechtel:

Regional Board (RWQCB) staff have reviewed the Draft Environmental Impact Report/ Draft Environmental Impact Statement (DEIR/DEIS) for the proposed Mid-County Parkway (MCP; Project), a multi-lane regional highway with undetermined exits that will extend from San Jacinto to Interstate 15 (I-15) south of Corona.

S-5-10

The Preferred Alternative is the southernmost route, "Alternative 9 with the Temescal Wash Design Variation (9 TWS DV)," which recognizes direct impacts to 10.1 acres of waters of the U.S. (Table 3.18.C), jurisdictional to the U.S. Army Corps of Engineers (Corps) and our office (Clean Water Act Sections 404/401). The Project area (all alternatives) encompasses a total of 112.65 acres of Corps-jurisdictional area and 257.5 acres of California Department of Fish and Game jurisdictional area. At our meeting with you planned for December 16, 2008, we would like to discuss appropriate mitigation for proposed impacts of the MCP project to waters of both the U.S. and state.

S-5-11

We request that the EIR/EIS (Response to Comments) incorporate discussion of the following comments, in order for the Project to best protect water quality standards (water quality objectives and beneficial uses) identified in the Water Quality Control Plan for the Santa Ana River Basin, 1995, as amended (Region 8 Basin Plan):

1. The DEIR/DEIS (p. 3.18-2) should clarify that surface waters outside of federal jurisdiction ("isolated waters") are nevertheless waters of the State and may be subject to individual waste discharge requirements issued by the Regional Board, pursuant to the Porter-Cologne Water Quality Control Act. Large-scale maps of all portions of the proposed route should indicate all jurisdictional and non-jurisdictional water bodies identified.
2. The discussions of cumulative and growth-inducing impacts (DEIR/DEIS p. 4-14; Section 3.25) indicate that the presence of the MCP will have little influence on the construction of new developments along the route, population increase, rate of growth, etc. Instead, we believe that the DEIR/DEIS should reflect that almost all

S-5-12

S-5-13

California Environmental Protection Agency



major roads do engender growth and the development of the properties along them (perhaps with the exception of a minimum-exit tollroad). The accessible regional network that the MCP will help create will likely cause, or at the very least contribute to, increased traffic in the long term, with additional attendant increase in the loading of pollutants of concern in stormwater runoff from the proposed projects' facilities.

S-5-13

We request that the DEIR/DEIS mention related projects at various levels of likelihood, including the Corona Foothill Parkway, the East Corona Corridor, and all existing and potential developments related to the MCP segment extending west of the MCP/I-15 interchange. This analysis need not be extensive. Pursuant to CEQA Guidelines Sections 15065, 15130, and 15355, we request that the MCP's "effects" be "considered together" with "closely related past, present, and reasonably foreseeable probable future projects" (not merely current projects adjacent to the MCP, or those that are consistent with the County General Plan).

S-5-14

3. Along any of the routes for Alternatives 4/5/6/7, at the corner of Cajalco and Wood Roads, there is a constructed wetland mitigation site established as a Clean Water Act § 401 Certification condition for the Boulder Heights development project that should be avoided (the 9 TWS DV alternative does not have this impact). Further, DEIR/DEIS p. 4-13 indicates that if Alternatives 4/5/6/7 are selected, then impacts posed by a new confined Cajalco Creek alignment could not be mitigated to below a level of significance. The DEIR/DEIS must explain why a different design could not avoid impacting these water bodies.

S-5-15

4. All MCP alternatives enter Temescal Canyon at the same location, 100 feet south of the existing Cajalco Road alignment, and intersect with to the I-15 with two elevated "flyways" and other connectors. As depicted on Figure 3.9.3, the flyways would pass directly over and shade the confluence of Bedford Canyon Creek Wash and Temescal Canyon Creek Wash and be anchored on piers within the Bedford Canyon Creek Wash floodplain. Changes to Cajalco Road and Bridge (over Temescal Creek Wash) evidently are part of a separate element of the MCP project ("Northern Bridge") that we would like to discuss with County staff. One note said that the Cajalco Road/I-15 area would undergo a major revision by 2011. Because there are mitigation sites near this location, clarification regarding the project's effects on Cajalco Road and its usage are needed. For reasons outlined below, we would like to discuss relocation of certain proposed structures in order to minimize impacts to beneficial uses of the Temescal Creek Wash floodplain.

S-5-16

Regional Board staff have been overseeing three mitigation projects in the confluence of Temescal Creek Wash and Bedford Canyon Creek Wash and their floodplains, involving restoration of beneficial uses, in compliance with permits administered by the Regional Board:

- a) SWRCB Water Quality Order No. 2004-0004-DWQ, City of Corona - To mitigate for loss of wildlife habitat associated with construction within Bedford Canyon Creek Wash, a restoration plan is being implemented adjacent to the City of Corona Wastewater Treatment Plant No. 3.



- b) Order No. R8-2003-0015, Waste Discharge Requirements for SE Corporation, Dos Lagos Project — To mitigate for loss of wildlife habitat associated with construction within and adjacent to Bedford Canyon Creek Wash and Temescal Creek Wash, a program for exotic vegetation removal and streambed planting is being conducted across the Bedford Canyon Creek Wash floodplain and in part of the confluence.
- c) Amendment to 401 Water Quality Certification File No. 332000-05, for SE Corporation, Dos Lagos Project — To mitigate for loss of wildlife habitat associated with construction of the Temescal Canyon Road bridge over Bedford Canyon Creek Wash and armoring of the Bedford Canyon Creek Wash channel. Similar restoration work is being done in conjunction with b), above, after lengthy negotiations with SE Corp. over available mitigation sites. As part of these requirements, SE Corp. has entered into an agreement with the City of Corona (City) to maintain a drainage inlet structure located on the south side of Cajalco Road, east of Temescal Canyon Road. We request that the DEIR/DEIS assure that if this inlet structure is moved or replaced, a responsible agency will agree to accept and carry out the responsibility for its ongoing operation and maintenance.

S-5-16

Another possible project in and around the Temescal Creek Wash/ Bedford Canyon Creek Wash confluence, entails the transfer of five acres of this floodplain area from SE Corp. to Riverside County Flood Control District. Any project at the confluence would likely be encroached upon by the MCP, associated widening of the Cajalco Road Bridge, and/or the projected "Northern Bridge." The EIR/EIS should explain and evaluate how the MCP route and structures would change the Cajalco Road Bridge, floodplain, and confluence. We request that proposed MCP project elements not diminish the quality of the beneficial uses that are now under restoration in the vicinity of this confluence. The EIR/EIS needs to describe how BMPs, designs, and construction procedures will avoid introducing to this riparian habitat the contaminants and permanent disturbance associated with runoff, construction, shading, and traffic, so that recognized WILD, WARM, RARE, REC2, and GWR beneficial uses (p. 3.9-12) would not be degraded.

If you have any questions, please call Glenn Robertson at (951) 782-3259 or grobertson@waterboards.ca.gov, or me at (951) 782-3234 or madelson@waterboards.ca.gov.

Sincerely,



Mark G. Adelson, Chief
Regional Planning Programs Section

cc: State Clearinghouse

U.S. Army Corps of Engineers, Los Angeles — Jason Lambert/Public Info site
U.S. Fish and Wildlife Service, Carlsbad — Doreen Stadlander
California Department of Fish and Game — Magdalena Rodriguez/Jeff Brandt/Mike Flores
Best Best & Krieger, Riverside — Michelle Ouellette
Jacobs Engineering, Cypress — Steve Henderson/ cc: Jeannie Lee Bang/ Dawn Nevils
Riverside County Habitat Conservation Agency — Gail Barton
Riverside-Corona Resource Conservation District, Riverside — Arlee Montalvo

X:Groberts on Magnolia/Data/CEQA/CEQA Responses/ DEIR-County of Riverside Transportation-Mid-County Parkway.doc

California Environmental Protection Agency



Recycled Paper

S-5-1

This comment states the Regional Water Quality Control Board's (RWQCB's) preference for Alternative 5 Modified options over the Alternative 9 Modified options due to overall fewer acres of temporary and permanent impacts to waters of the State and waters of the United States. This comment also recommends no further consideration of the Alternative 4 Modified options, due to that alternative having the greatest impact of the three Build Alternatives on wetlands, riparian water bodies, and their water quality standards. The process used to evaluate the alternatives and to identify the preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. As discussed in the NEPA/404 Checkpoint 3 Preliminary LEDPA package (provided in Appendix M), even though Alternative 5 Modified affects fewer acres than Alternative 9 Modified with the SJRD DV, these impacts are to higher quality aquatic resources; therefore, Alternative 9 Modified with the SJRB DV was identified as the preferred alternative.

S-5-2

Please refer to Section S.5.3, Master Response Related to the San Jacinto River Bridge, on page S-44, for a detailed discussion regarding the features of the Base Case and Design Variation for the bridges crossing the San Jacinto River under all three Build Alternatives and the effects of those features. This master response provides the clarification requested in this comment regarding the design of the "Base Case" bridge and the SJRB DV, including plan views of both bridge designs. It also provides clarification on why impacts to jurisdictional waters are the same for both bridge designs.

It is acknowledged that this comment also states: "Because the Base Case bridge design appears to pose fewer impacts to federal jurisdictional waters and to wildlife-related beneficial uses of the river and its floodplain, and appears to minimize restrictions to flood flows, the "Base Case" bridge is Board staff's preferred alternative." However, as noted in Section S.5.3, Master Response Related to the San Jacinto River Bridge, on page S-44, Alternative 9 Modified with the SJRB DV was identified as the preferred alternative.

S-5-3

This comment states the RWQCB's preference for the Alternative 5 Modified, San Jacinto North Design Variation (SJN DV) due to overall fewer acres of temporary and permanent impacts on waters of the State and of the United States. The process used to evaluate the alternatives and to identify the preferred alternative for the MCP

project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. As a result of that process, Alternative 9 Modified was identified as the preferred alternative. This alternative was also identified as the least environmentally damaging practicable alternative (LEDPA) based on the alternatives analysis provided in Appendix M in the Final EIR/EIS.

The comment also requests that the Final EIR/EIS include analysis on impacts to water bodies at the proposed MCP interchange with the realigned State Route 79 (SR-79) to provide information needed to understand the potential effects of the design variations on waters and water quality and determine mitigation needs. As noted in Table 5-2 on page 163 in the *Supplement to the MCP Natural Environment Study* (December 2011) and Table 3.18.B, Impacts to Wetland and Other Jurisdictional Areas, on page 3.18-16 in the Final EIR/EIS, the impacts of the MCP Build Alternatives on wetlands and other jurisdictional areas exclude impacts to jurisdictional areas that are within the MCP/SR-79 interchange footprint, which are wholly attributable to the SR-79 Realignment Project (i.e., jurisdictional areas that will be impacted by the SR-79 Realignment Project prior to construction of MCP and will be mitigated by the SR-79 Realignment Project). The impacts to jurisdictional areas attributable to the MCP project are shown in Figures B-3 and B-5 in the NEPA/404 Checkpoint 3 Preliminary LEDPA information package (provided in Appendix M in this Final EIR/EIS). The fact that the SR-79 construction (and impacts) would occur prior to construction of the MCP project is discussed in the subsection titled “Related Projects” on page 1-35 in the Final EIR/EIS. Therefore, any impacts in the “overlap” area between the two projects would be attributed to the SR-79 Realignment Project and not the MCP project. Please refer to Section 3.25, Cumulative Impacts, which describes how the effects of the SR-79 project were included in the cumulative impacts analysis for the MCP project.

The environmental teams for the MCP and SR-79 projects have worked closely together for a number of years to ensure that all impacts identified in the area these two projects overlap are consistently described and that the SR-79 Realignment Project assessed the impact area for all of its impacts within the SR-79/MCP interchange. This coordination ensured that impacts were accurately accounted for in both projects, and that impacts were not “double counted.”

The Draft EIR/EIS for the SR-79 Realignment Project was released for public review on February 8, 2013. The MCP/SR-79 interchange is shown in Figure 2.2-27c, Phase 3 SR-79 Construction Phasing, 20-Year Design Horizon, in that Draft EIR/EIS, and all impacts to biological resources within the SR-79 footprint, including the

overlapping areas of the MCP project, are included in the project impact area for the SR-79 project, and all those impacts are disclosed in the environmental document for that project.

S-5-4

The comment requests that Table A in Appendix P, Conceptual Mitigation Plan, in the Recirculated Draft EIR/Supplemental Draft EIS be replicated on page 2-29 in Chapter 2.0, Project Alternatives. The cited section of Chapter 2.0 focuses on the discussion of bridges included in the MCP Build Alternatives. The potential effects of those bridges on wetlands and other waters are discussed in detail in Section 3.18, Wetlands and Other Waters, in the Final EIR/EIS. The information in Table A is provided in two separate tables in Section 3.18, Wetlands and Other Waters: Table 3.18.B (Impacts to Wetlands and Other Jurisdictional Areas) on page 3.18-16 and Table 3.18.G (Temporary Impacts to Wetlands and Other Jurisdictional Areas) on page 3.18-39. Therefore, this information was not repeated in Chapter 2.0 as requested in this comment. Please also note that the Conceptual Mitigation Plan was replaced in Appendix P in the Final EIR/EIS with the Habitat Mitigation and Monitoring Plan (HMMP) for USACE Jurisdictional Waters.

S-5-5

The comment states that the Recirculated Draft EIR/Supplemental Draft EIS provides insufficient information to describe the ecological condition of impacts to wetlands and waters and suggests comparing the ecological condition of each of the waters that will potentially be impacted, using standard metrics such as the California Rapid Assessment Methodology (CRAM). Sections 3.18.2.3, Wetland Functions (page 3.18-13 in the Final EIR/EIS), and 3.18.2.4, Watershed Level and Riparian Ecosystem Integrity Assessment (page 3.18-14 in the Final EIR/EIS) describe two assessments of the quality of wetlands and waters impacted by the MCP Build Alternatives. As noted in the response to comment F-4-11, additional language was included in Section 3.18.2.4 that describes how these assessments of conditions and functions can be useful for evaluating impacts of the alternatives and identifying potential mitigation options. The Riparian Ecosystem Integrity Assessment conducted by the United States Army Corps of Engineers (USACE) Engineer Research and Development Center (ERDC) provides a highly technical, quantitative approach useful for comparison of the effects of various alternatives on variable sets of resources. A summary of that analysis is provided in Section 3.18.3.2, Watershed Level Riparian Ecosystem Integrity Assessment of Impacts, on page 3.18-36 in the Final EIR/EIS. In addition, a qualitative assessment of the functions identified in the Wetland Evaluation Technique (WET) was conducted in conjunction with the

jurisdictional delineation to satisfy assessment requirements under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The functions described in the WET methodology were analyzed qualitatively rather than quantitatively to give the reader an easily understood textual description of the values, conditions, and functions of the aquatic resources. The qualitative descriptions of wetland conditions for each alternative are summarized in Table 3.18.C, Permanent Impacts to USACE Jurisdiction Wetlands and Nonwetland Waters by Drainage System, on page 3.18-19 in the Final EIR/EIS.

The ERDC data were used to help develop the Draft Habitat Mitigation and Monitoring Plan (HMMP). The Draft HMMP was submitted as a part of the NEPA/404 Checkpoint 3 Preliminary LEDPA package in December 2013. The USACE commented on the Draft HMMP on June 11, 2014, saying that “CRAM Version 6.1 and its current wetland field manuals is inappropriate for assessing non-vegetated ephemeral tributaries, which is the dominant aquatic resource type that would be affected by the proposed MCP preferred alternative... However until such time [when CRAM module for ephemeral systems is developed], then it may be a valuable tool to use for the MCP project... However, until such time, references to the use of CRAM to assess the proposed compensatory mitigation sites should be removed from the revised draft mitigation plan and only reinserted if and when a decision to utilize this conditional assessment method is made by the Corps, in consultation with the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service (USFWS), Federal Highway Administration (FHWA), California Department of Transportation, and RCTC.” The HMMP for USACE Jurisdictional Waters is provided in Appendix P in the Final EIR/EIS.

S-5-6

This comment lists the information that needs to be included in the application for Clean Water Act (CWA) Section 401 Water Quality Standards Certification. This information is noted and will be included in the submittal of the Section 401 application during the plans, specifications, and estimate (PS&E) phase of the project including the specific design information for the selected alternative. Most of the information requested in this comment is provided in Section 3.18 in the Final EIR/EIS and in the Draft Habitat Mitigation and Monitoring Plan provided in Appendix P. Although this information is based on the preliminary engineering, the level of engineering captures the worst-case impacts of the MCP project because that level defines a maximum project footprint for the evaluation and documentation of the potential project effects in the Final EIR/EIS. This information will be re-verified

and updated during the PS&E phase. The Section 401 permit application will include more detailed plans showing locations of storm water quality BMPs.

S-5-7

This comment indicates the RWQCB's preference to first focus on avoidance of impacts to aquatic and riparian resources that have relatively good to high levels of function, to the maximum extent feasible, and that enhancement and preservation should be higher mitigation priorities than on-site and off-site establishment and rehabilitation.

As shown in the table titled "Summary of Bridge Descriptions and Avoidance of Jurisdictional Area-Modified MCP," in Appendix B of the 404(b)(1) Alternatives Analysis in Appendix M of the Final EIR/EIS, detailed analyses were conducted to reduce and avoid impacts to jurisdictional areas, particularly wetlands, to the maximum extent feasible. While the RWQCB's preference to first focus on avoidance of impacts to aquatic and riparian resources is noted, it should be noted that aquatic and riparian resources are not the only resources of concern that need to be considered for this project. Other key resources of concern include cultural resources, Section 4(f) properties, biological resources, and the affected communities in the MCP study area. Accordingly, the MCP does first seek to avoid impacts, as requested by the commenter. However, where avoidance is the HMMP for USACE Jurisdictional Waters infeasible, Appendix P then prioritizes the mitigation strategies that would be implemented.

S-5-8

Please refer to the response to comment S-5-5, above, for discussion regarding how the ecological conditions along each alternative were evaluated, which was considered in the identification of the preferred alternative. The response to comment S-5-5 also discusses why CRAM was not used for the MCP analysis and why it is not appropriate for that analysis as noted by the USACE. The USACE now requires the use of the mitigation ratio calculation worksheet provided as part of their Standard Operating Procedure for Determination of Mitigation Ratios (12501-SPD), which is equivalent to the BAMI spreadsheet cited in comment S-5-8. As noted in the comment, the intent of this procedure is to quantify attributes of a particular water body, assess the magnitude of the project impacts, evaluate proposed mitigation ratios, and plan mitigation outcomes. The preliminary mitigation ratio calculation for the preferred alternative has been provided to the USACE.

Please note that the Habitat Mitigation and Monitoring Plan for USACE Jurisdictional Waters provided in Appendix P in the Final EIR/EIS provides

mitigation strategies to achieve no net loss of the functions and values of affected waters, as well as no net loss of acreage of aquatic resources.

S-5-9

The comment indicates that the RWQCB's December 2004 letter was incorrectly grouped with regional agency instead of state agency letters in Appendix I, Supplemental Chapter 2 attachments, in the Recirculated Draft EIR/Supplemental Draft EIS and further requested that the RWQCB's December 12, 2008, letter (enclosed with the comment letter) and the December 24, 2004, letter be included with the state agency letters in the Final EIR/EIS.

The 2004 and 2008 letters are now included in Appendix J in the Final EIR/EIS.

S-5-10

The comments in the December 12, 2008, comment letter are responded to in the responses to comments S-5-11 to S-5-16, below. Please note that the December 12, 2008, comment letter was provided in response to the Draft EIR/Draft EIS for the originally proposed approximately 32-mile-long MCP project extending from I-15 on the west to SR-79 on the east. As noted in the Recirculated Draft EIR/Supplemental Draft EIS, the MCP project is now proposed as an approximately 16-mile-long project extending from I-215 on the west and SR-79 to the east. The segment of the original MCP alignment between I-15 and SR-215 is no longer proposed as part of the MCP Build Alternatives. As a result, some of the comments provided in the December 12, 2008, comment letter are not applicable to the currently proposed MCP project.

S-5-11

The impact acreages cited in the 2008 comment letter refer to the impacts for the 32-mile long project evaluated in the 2008 Draft EIR/EIS. The impacted acreages were updated for the approximately 16-mile long modified project in this Final EIR/EIS (Alternatives 4, 5, and 9 Modified; Alternative 9 Modified is the preferred alternative). Please refer to Section 3.18, Wetlands and Other Waters, in the Final EIR/EIS for information regarding the acres of waters affected by the Modified MCP Build Alternatives (Alternative 4 Modified, Alternative 5 Modified, and Alternative 9 Modified) and the mitigation incorporated in the Build Alternatives to address permanent and temporary impacts to those waters. Isolated waters are discussed and shown on maps in the Jurisdictional Delineation and Assessment Report (December 2013) and will be included during the regulatory permitting process.

In addition, the text in Section 3.18.1, Regulatory Setting, in the Final EIR/EIS was updated to include the following information: "The RWQCBs were established under

the Porter-Cologne Water Quality Control Act to oversee water quality. Discharges under the Porter-Cologne Act are permitted by Waste Discharge Requirements (WDRs). A Report of Waste Discharge Application may be required when the discharge is not already subject to CWA requirements."

S-5-12

Please refer to Section 3.18, Wetlands and Other Waters, in the Final EIR/EIS for information regarding the acres of waters affected by the Modified MCP Build Alternatives (Alternative 4 Modified, Alternative 5 Modified, and Alternative 9 Modified) and the mitigation incorporated in the Build Alternatives to address permanent and temporary impacts to those waters. Detailed figures showing the waters along the alignments of the MCP Build Alternatives are provided in the *Jurisdictional Delineation and Assessment Report* (December 2013).

S-5-13

Please refer to the third paragraph in Section 3.2.4, Avoidance, Minimization, and Mitigation Measures, on page 3.2.4-19 in Section 3.2, Growth, in the Final EIR/EIS which provides the following conclusion regarding the potential growth inducing effects of the MCP Build Alternatives "Because of its prior inclusion as a CETAP corridor in the overall Riverside County Integrated Project (RCIP) planning process that led to the adoption of the updated Riverside County General Plan and the Western Riverside County MSHCP, any direct growth-related effects of the MCP project are expected to be minimal. As a CETAP corridor, the MCP project is an integral component of the RCIP and Riverside County General Plan, and the future growth as projected and planned for in the General Plan reflects the presence of a new major west-east corridor in western Riverside County. However, the segment of the MCP project from I-215 east to Antelope Road is located in areas that were not previously analyzed in the RCIP process and, therefore, these areas may be subject to indirect growth-related effects to resources of concern. The impacts of these growth-related effects are minimized through the compliance of local agencies with land use approval authority (County of Riverside, City of Perris, and City of San Jacinto) and with the policies contained in their respective General Plans." Those policies are described in detail in the remaining paragraphs in Section 3.2.4.

It should be further noted that the MCP Build Alternatives include extensive project features to address storm water and other runoff and water quality effects as discussed in 2.3.2.12, Runoff Management/Water Quality Best Management Practices, on page 2-45 in Chapter 2, Project Alternatives, in the Final EIR/EIS.

S-5-14

Section 3.25.4.5, Cumulative Public Infrastructure Projects, discusses other transportation improvement projects that have the potential for cumulative effects to resources of concern in the MCP study area shown on Figure 3.25-1 in Section 3.25, Cumulative Impacts, in the Final EIR/EIS. The projects cited in this comment (Corona Foothill Parkway, East Corona Corridor, and developments west of I-15) are over 16 miles west of the MCP project's terminus at I-215 and are not on facilities that represent future connections to the MCP project. Those are well outside the study areas evaluated in the cumulative impacts analyses in Section 3.25. As a result, they would not contribute to cumulative effects on the resources evaluated in Section 3.25 that could potentially be affected by cumulative impacts of the MCP project and other projects in the MCP study area. Therefore, they were not considered in the assessment of cumulative effects of the MCP project.

S-5-15

The alignments of the MCP Build Alternatives no longer extend west of I-215 and, as a result, would not affect resources including mitigation sites in the vicinity of Cajalco and Wood Roads. No further response is required.

S-5-16

The alignments of the MCP Build Alternatives no longer extend west of I-215 and, as a result, would not affect resources including mitigation sites in the vicinity of Temescal Canyon Creek Wash and Bedford Canyon Creek Wash. No further response is required.



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CHARLTON H. BONHAM, Director



S-6

April 10, 2013

Ms. Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92051

Subject: Draft Environmental Impact Report/ Environmental Impact
Statement for the Mid County Parkway Project
State Clearinghouse No. 2004111103

Dear Ms. Bechtel:

The California Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report/ Environmental Impact Statement (DEIR) for the Mid County Parkway Project (Project) [State Clearinghouse No. 2004111103]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

S-6-1a

Project Description

The Riverside County Transportation Commission (RCTC) in cooperation with the Federal Highway Administration and the California Department of Transportation proposes to construct a six-lane access control freeway connecting the Interstate 15 to the future State Route 79. This new freeway will generally follow the existing Ramona Expressway alignment. As described in the DEIR project description section, there are three build alternatives (Alternatives 4 Modified, 5 Modified, and 9 Modified) and the two design variations (San Jacinto River Bridge and San Jacinto North).

Biological Resources and Impacts

The CEQA document should contain sufficient, specific, and current biological information on the existing habitat and species at the Project site; measures to minimize and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters. The CEQA document should not defer impact

S-6-1b



analysis and mitigation measures to future regulatory discretionary actions, such as a Lake or Streambed Alteration Agreement.

S-6-1b

If sensitive species have the potential to occur on the Project site, species specific surveys should be conducted using methods approved by the Department or assume the presence of the species throughout the project site. Surveys should be conducted within one year from the submission of the CEQA document.

S-6-2

The DEIR does not separate permanent impacts from temporary impacts to habitats present within the Project footprint. The Department believes that the DEIR should clearly identify permanent and temporary impacts of each alternative separately to better assess the difference in the alternatives. In the absence of clearly defined permanent and temporary impacts the Department is unable to evaluate how the preferred alternative will be selected and cannot recommend an alternative. The Final Environmental Impact Report (FEIR) should disclose permanent and temporary impacts and the method used to select the preferred alternative.

S-6-3

S-6-4

The DEIR states that the construction of the project may result in increased road kill of small mammals. The Department recommends the installation of appropriate small mammal fencing along the right of way fencing in those areas where the Project is adjacent to habitat for sensitive small mammals such as Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), San Bernardino kangaroo rat (*Dipodomys merriami parvus*), and Stephen's kangaroo rat (*Dipodomys stephensi*).

S-6-5

The DEIR discusses typical bird nesting season and states that the active breeding season extends from March 1 to September 15. Several species start breeding prior to March. Therefore, the Department recommends that preconstruction surveys for nesting birds take place prior to any vegetation removal that occurs from February 15 to September 15. This season may need to be extended for certain species of raptors.

S-6-6

The DEIR states that the construction of the Project will result in an increase of fire frequency and the introduction of invasive species. The FEIR should analyze what new invasive species may be introduced to areas adjacent to the Project and propose adequate avoidance, minimization, and/or mitigation measures. Specific fire protection measures should be disclosed in the FEIR. These analyses and the implementation of appropriate protective measures are especially important in areas adjacent to conserved habitat such as along the proposed right of way through the San Jacinto Wildlife Area. The FEIR should clarify if there will be sufficient funding to maintain the fire protection areas.

S-6-7

Section 3.20 of the DEIR lists 27 species for which suitable habitat occurs within the project footprint, but were not detected during general surveys. The FEIR should clarify if recent (no older than a year) species specific surveys were conducted to verify if any of the 27 species are present. If not, an impact analysis, and appropriate avoidance, minimization and/or mitigation measures should be included in the FEIR. This is

S-6-8

especially important for species not covered by the Western Riverside County Multiple Species Conservation Plan (MSHCP) and fully protected species. Additional measures, such as preconstruction surveys and biological monitoring, should be implemented to ensure that the project will not impact fully protected species such as golden eagle (*Aquila chysaetos*) and white-tailed kite (*Elanus leucurus*).

S-6-8

Wildlife Crossing

The Department believes that the construction of the Project has the potential to significantly fragment habitat. Although the Ramona Expressway is currently fragmenting the habitat, the construction of a 6 lane freeway would significantly increase existing barriers. Especially in those areas where the existing Ramona Expressway will remain as a frontage road, the future facility will deter most wildlife from crossing. The DEIR does not address what specific species will be impacted by the habitat fragmentation and what design features needs to be considered to design potential wildlife crossings for those species. The DEIR also mentions the construction of several culverts and pipes, but it does not disclose their sizes and what potential species, if any, would be able to use them as wildlife crossings. Crossing number 10 is a 10 feet high by 20 feet wide culvert that is constructed for wildlife crossing. The DEIR does not address the length of the culvert, what species are targeted for its use, and what design features will be included to ensure that the crossing will be used by any wildlife. Additionally measures, such as revegetation, directional fencing, size increase and other design features may need to be incorporated in the design of the wildlife crossing to ensure its effectiveness.

S-6-9

Natural Community Conservation Program (NCCP)

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the CESA, and administers the Natural Community Conservation Plan Program (NCCP Program). Within the Inland Deserts Region, the Department issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) per Section 2800, *et seq.*, of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit.

S-6-10a

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements.

S-6-10b

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. In order to be considered a covered activity, Permittees must demonstrate that proposed actions are consistent with the MSHCP and its associated Implementing Agreement.

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S-6-10b

RCTC is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. The Project study area runs through several MSHCP criteria areas and constrained linkage areas. The DEIR does not list all criteria cells within the study area or their MSHCP requirements. The DEIR should disclose the Projects impacts to the MSHCP and list all criteria cells within the study area. The DEIR should acknowledge how the Project interfaces with the reserve area.

S-6-11

Based on the information provided in the DEIR, impacts would occur to riverine and riparian areas defined by the MSHCP Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policy (MSHCP section 6.1.2). In accordance with this policy, a Determination of Biologically Equivalent or Superior Preservation (DBESP) is required to address unavoidable impacts to riparian and/or riverine areas. The proposed Project site is located within the MSHCP Burrowing Owl Survey, (MSHCP section 6.3.2), Narrow Endemic Plant Species Survey Area (NEPSSA) Area, Criteria Area Plant Species Survey Area (CAPSSA), and mammal survey area (MSHCP section 6.3.2).

S-6-12

The DEIR only analyzes direct impacts to burrowing owl based on the area surrounding an occupied burrow. The FEIR should also include an impact analysis for suitable habitat for burrowing owl within the Project area.

S-6-13

The DEIR document should not defer mitigation measures to future regulatory discretionary actions, such as the DBESP and should propose avoidance, minimization and/or mitigation measures for the Project.

S-6-14

Lake and Streambed Alteration Program

Although the proposed Project is within the MSHCP, a Notification of Lake or Streambed Alteration is still required by the Department, should the site contain jurisdictional waters. Additionally, the Department's criteria for determining the presence of jurisdictional waters are more comprehensive than the MSHCP criteria in Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools). The Department is responsible for assessing and evaluating impacts to jurisdictional waters; typically accomplished through reviewing jurisdictional delineation (JD) reports, supporting information, and conducting site visits. Following review of a JD, the Department may request changes to the JD. The Department may also recommend that additional project avoidance and/or minimization measures be incorporated, or request additional mitigation for project-related impacts to jurisdictional areas.

S-6-15

The Department recommends submitting a notification early in the project planning process, since modification of the proposed project may be required to avoid or reduce



impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html>.

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S-6-15

Please note that the Department requires that the JDs are not older than one year in order to process notifications. The JD listed in the DEIR is dated February 2008 and conditions may have changed since the JD was completed. The Department recommends that the FEIR analyze a current JD.

S-6-16

The DEIR establishes that 90 percent of the bridged areas are considered temporary impacts. The Department is concerned that this assumption will underestimate permanent impacts. Impacts should be considered permanent if the construction of the bridge will result in shading that will impede the restoration of the habitat to pre-impact conditions. The Department is also concerned that the habitat value immediately underneath a bridge will be of lower quality due to indirect impacts listed in the DEIR (littering, introduction of invasive species, and the increase of fire frequency).

S-6-17

The Department opposes the elimination of ephemeral, intermittent, and perennial streams, channels, lakes, and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Lake and Streambed Alteration Agreement process may be required, depending on the quality of habitat impacted, proposed mitigation, project design, and other factors.

S-6-18

The following information will be required for the processing of a Notification and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance and minimization measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures (as defined in section 15370 of the CEQA guidelines) required to reduce the project impacts to a level of insignificance.

S-6-19

The mitigation measures, as described in the DEIR, are insufficient to mitigate for the impacts the Project will have to jurisdictional areas. Because the proposed mitigation measures are insufficient the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process are not CEQA-compliant because they deprive the public and agencies of their right to know what project impacts are and how

S-6-20
↓

they are being mitigated (CEQA Section 15002). Please note that the Department requires mitigation to be placed within the same watershed. The purchase of mitigation bank credits for the creation of wetlands is also subject to the Department approval.

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S-6-20

Department Concerns

The Department has the following concerns about the Project, and requests that these concerns be addressed:

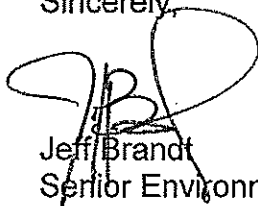
1. Surveys performed for this project are outdated. The FEIR should include revised surveys;
2. The Department recommends that preconstruction surveys for nesting birds take place prior to any vegetation removal that occurs from February 15 to September 15. This season may need to be extended for certain species of raptors;
3. The subsequent CEQA document should include the requested wildlife crossing analysis;
4. The subsequent CEQA document should include the avoidance, minimization, and/or mitigation measures proposed in this letter;
5. The subsequent CEQA document should include an updated JD of State jurisdictional waters, an impact analysis, and should propose specific adequate mitigation measures for impacts to State jurisdictional waters;
6. The analysis in the subsequent CEQA document should satisfy the requirements of the Department's 1600 Lake and Streambed Alteration Program.

S-6-21

In summary, the Department believes that the DEIR is inadequate in describing and analyzing the full impacts of the project scope, including but not limited to describing and analyzing impacts to sensitive species and habitats that may be impacted by the Project and an updated JD and impact analysis for State Waters. The Department recommends that the CEQA document be revised to address these deficiencies. If you should have any questions pertaining to these comments, please contact Juan Lopez Torres at (909) 484-3979.

S-6-22

Sincerely,



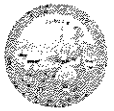
Jeff Brandt
Senior Environmental Scientist

cc: State Clearinghouse, Sacramento



State of California - Natural Resources Agency
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



Refer to Comment S-6-2

August 27, 2013

Ms. Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92051

Subject: Clarification of comments to Draft Environmental Impact Report/ Environmental Impact Statement for the Mid County Parkway Project, State Clearinghouse No. 2004111103

Dear Ms. Bechtel:

The California Department of Fish and Wildlife (Department) is providing the following information to clarify comments in a letter dated April 10th on the Draft Environmental Impact Report/ Environmental Impact Statement (DEIR) for the Mid County Parkway Project (State Clearinghouse No. 2004111103). The Department responded to the DEIR as a Trustee Agency for fish and wildlife resources (Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

In the April 10th comment letter, the Department indicated that species surveys were outdated and that the Final Environmental Impact Report should include revised surveys. However, Project representatives had met with U.S. Fish and Wildlife Service (Service) staff on June 22, 2011 to verify there were no outstanding questions with the use of the 2005-2007 species survey data. In light of this information, the Department consulted with the Service to discuss the dates of the survey data. After review of the data and consultation with the Service, the Department concurs with the Service that revised surveys are not needed because re-surveys would not provide new information that would result in significant changes in population distributions.

If you should have any questions pertaining to these comments, please contact Heather Pert at 858-538-0342.

Sincerely,

Heather A. Pert
Senior Environmental Scientist

Mid County Parkway Project

SCH No. 2004111103

Page 2 of 2

ec:

State Clearinghouse, Sacramento

Jeff Brandt, CDFW

Charles Landry, RCA

S-6-1a

These paragraphs describe California Department of Fish and Wildlife's (CDFW's) role as a Trustee under California Environmental Quality Act (CEQA) and provide a brief description of the proposed MCP project. This introductory information does not raise any environmental issues and, therefore, does not require a written response per Section 15088 in the *CEQA Guidelines*.¹

S-6-1b

This comment indicates CDFW's concerns regarding sufficient, specific, and current biological information in the project area; a request for measures showing avoidance, minimization and mitigation; and concern about deferring analysis and mitigation measures to future regulatory discretionary actions.

Detailed information on biological resources in the biological study area is provided in Sections 3.17 through 3.22 in the Final EIR/EIS with supporting documentation provided in the *Supplemental Natural Environment Study* (2011), *Natural Environment Study* (2008), *Jurisdictional Delineation and Assessment Report* (2008), and the updated *Jurisdictional Delineation and Assessment Report* (2013). The Recirculated Draft EIR/Supplemental Draft EIS was prepared in response to comments on the 2008 Draft EIR/Draft EIS and on modifications to the MCP project which shortened the Build Alternatives to extend from Interstate 215 (I-215) to SR-79, removing the segment between Interstate 15 (I-15) and I-215. As described in the second paragraph in the subsection titled "Western Riverside County MSHCP" on page 3.17-27 in the Final EIR/EIS, a meeting was held on February 22, 2011, with Karin Cleary-Rose (USFWS), and it was verified that there were no outstanding questions related to the use of data from the focused species surveys conducted between 2005-2007 for use in the Recirculated Draft EIR/Supplemental Draft EIS and the Section 7 consultation and that the Final EIR/EIS for the MCP project would incorporate least Bell's vireo survey data collected in 2008 for another project. Additionally, CDFW sent a letter to RCTC dated August 27, 2013 stating no subsequent surveys were required. This letter is provided following the last page of letter S-6.

¹ Section 15088(a) of the CEQA Guidelines notes that "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response." As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

Avoidance, minimization, and mitigation measures to offset the loss of native flora and fauna and State waters as result of the MCP Build Alternatives are discussed in Sections 3.17.4, 3.18.4, 3.19.4, 3.20.4, 3.21.4, and 3.22.4 in the Final EIR/EIS.

Mitigation measures describe actions that *will* be taken to reduce or avoid a significant impact (Section 15126.4 of the State CEQA Guidelines). Improper deferral of mitigation occurs when an EIR puts off analyzing how, or demonstrating that, a mitigation measure will reduce significant impacts (*City of Long Beach versus Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 915). Mitigation is not improperly deferred to the permitting process here. Instead, the Riverside County Transportation Commission (RCTC) affirmatively commits to mitigation ratios for CEQA and the National Environmental Policy Act (NEPA) purposes that are described in Measures WET-1, WET-2, and WET-3 starting on page 3.18.45 in the Final EIR/EIS, including replacement of CDFW jurisdictional areas at a minimum ratio of 2:1 and replacement of wetlands at a minimum ratio of 1:1 in the San Jacinto River watershed. Measure WET-2 on page 3.18-46 in the Final EIR/EIS describes RCTC's commitment to restore temporary impacts at a minimum 1:1 replacement ratio. The mitigation ratios RCTC has committed to are sufficient to mitigate impacts to jurisdictional areas to ensure no-net loss of jurisdictional areas. These ratios will not be reduced, and the project is not deferring impact analysis or mitigation measures to offset the described impacts.

Although mitigation is sufficient for CEQA and NEPA, if the regulatory permits for the MCP project require additional compensation for permanent or temporary impacts beyond the minimum replacement ratios described in the Final EIR/EIS, those would be negotiated during final design in coordination with the resource and regulatory agencies, including CDFW, as discussed in the last paragraph of mitigation measure WET-4 on page 3.18-48.

S-6-2

As noted in the response to comment S-6-1 above, CDFW submitted a letter dated August 27, 2013 to RCTC (provided following the last page of comment letter S-6) acknowledging the agreements with the wildlife agencies to use existing survey data rather than requiring updated survey data because the modified MCP project is the continuation of the original MCP project with the Recirculated Draft EIR/Supplemental Draft EIS for the modified Build Alternatives prepared and circulated in response to comments on the 2008 Draft EIR/EIS.

S-6-3

As discussed in the following sections in the Final EIR/EIS, permanent and temporary impacts were not differentiated in order to assess the most conservative (i.e., worst-case) permanent impacts of the MCP Build Alternatives:

- **Section 3.17, Natural Communities**
 - Section 3.17.3.1, Permanent Impacts (starting on page 3.17-16)
 - Section 3.17.3.2, Temporary Impacts (starting on page 3.17-57)
- **Section 3.18, Wetlands and Other Waters**
 - Section 3.18.3.1, Permanent Impacts (starting on page 3.18-15)
 - Section 3.18.3.3, Temporary Impacts (starting on page 3.18-38)
- **Section 3.19, Plant Species**
 - Section 3.19.3.1, Permanent Impacts (starting on page 3.19-4)
 - Section 3.19.3.2, Temporary Impacts (starting on page 3.19-7)
- **Section 3.20, Animal Species**
 - Section 3.20.3.1, Permanent Impacts (starting on page 3.20-4)
 - Section 3.20.3.2, Temporary Impacts (starting on page 3.20-9)
- **Section 3.21, Threatened and Endangered Species**
 - Section 3.21.3.1, Permanent Impacts (starting on page 3.21-5)
 - Section 3.21.3.2, Temporary Impacts (starting on page 3-21-18)

As discussed in those sections in the Final EIR/EIS, the impacts analyses assumed all sensitive resources within the right of way footprints for the MCP Build Alternatives would be permanently impacted by the project. While some parts of the right of way footprints would only be temporarily disturbed during construction and would be revegetated with native plant species at the completion of construction, it is not expected that this revegetation would fully restore the functions and values of the affected habitats. Therefore, the analyses of the project impacts conservatively estimated worst-case impacts in which all areas within the right of way footprints were calculated as permanent impacts, with the exception of USACE and CDFW jurisdictional areas spanned by bridges, which are separated into temporary and permanent impacts. Due to permanent shading effects, impacts to CDFW jurisdictional riparian habitats beneath bridges were considered permanent impacts.

However, the total acres of impacts to each natural community within the right of way footprint may be reduced after the completion of the CEQA/NEPA process and prior to construction based on:

- Refinement of the project disturbance and grading limits during final design which will, in part, focus on avoiding natural communities within the right of way footprint but outside the disturbance and grading limits, where that avoidance would not compromise the design of the facility or the safety of the construction operations and workers.
- The Determination of Biologically Equivalent or Superior Preservation (DBESP) documentation and process in compliance with Section 6.1.2 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Please also refer to Section S.5.1, Master Response Related to the Western Riverside County Multiple Species Habitat Conservation Plan, on page S-6, for discussion regarding the requirements of the Western Riverside County MSHCP applicable to the MCP project and how the MCP project was determined to be consistent with the Western Riverside County MSHCP. That Master Response also discusses the DBESPs prepared for the MCP project, including the additional mitigation required to achieve consistency with the Western Riverside County MSHCP.
- Completion of the permitting processes for the Section 404 permit from the USACE, the Section 1602 Agreement for Streambed Alteration from the CDFW, and the Section 401 water quality certification from the Santa Ana Regional Water Quality Control Board (RWQCB), which are anticipated to include mitigation requirements that would reduce the project effects in the right of way footprint on protected waters and other riparian features. Please also refer to Section 3.18, Wetlands and Other Waters, in the Final EIR/EIS for further discussion regarding project effects on waters and the permitting requirements for the MCP project.

Please note that for species located within bridged areas and where more fine-tuned engineering has allowed for temporary impacts to be assessed at this time, these are specified in the DBESP for Riparian/Riverine Areas included in the *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* provided in Appendix T in this Final EIR/EIS.

S-6-4

The process used to evaluate the alternatives and identify the preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. Alternative 9 Modified with the San Jacinto River Bridge Design Variation (SJRBDV) has been identified as the

preferred alternative for the MCP project. The permanent and temporary impacts of the preferred alternative are summarized in Table S.1, Impacts of the MCP Build Alternatives, in the Summary in the Final EIR/EIS, starting on page ES-30. The permanent and temporary impacts of the Build Alternatives, including the preferred alternative, are discussed in detail in Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and Mitigation Measures, in the Final EIR/EIS.

S-6-5

The two bridges spanning the San Jacinto River will allow for movement of Los Angeles pocket mouse (LAPM), Stephens' kangaroo rat, and San Bernardino kangaroo rat beneath the bridges at both crossings of the San Jacinto River, as described in Section 3.17.3, in the subsection titled "Wildlife Corridors/Habitat Fragmentation," on page 3.17-24 in the Final EIR/EIS. To minimize the effects on these species, as discussed in the DBESP for the LAPM, three permanent retaining walls have been added to the proposed project design and will be installed along 5,203 ft (three walls: 3,222 ft, 1,484 ft, and 597 ft for a total of 5,303 ft) at the boundary of the area with long-term conservation value for the LAPM and in proximity to Public/Quasi-Public (PQP) Lands. This retaining wall will minimize impacts to LAPM and will provide a barrier to prevent wildlife from entering the MCP right of way. The DBESP for these species is included in the MSHCP Consistency Determination in Appendix T, in this Final EIR/EIS. Although this wall further minimizes impacts to areas with long-term conservation value for LAPM, it does not completely avoid these impacts because there are some areas directly within the footprint of the MCP project itself.

S-6-6

In response to a CDFW comment on the 2008 Draft EIR/EIS, RCTC revised the vegetation removal period from March 1 through August 31, as specified in the Western Riverside County MSHCP, to March 1 through September 15. As requested in this current comment, the beginning date of the nesting season was modified to ensure that the MCP project complies with the Fish and Game Code and the Migratory Bird Treaty Act. Measure NC-3 on page 3.17-63 in the Final EIR/EIS was revised to read (changes shown in *italics*): "...outside of the nesting bird season (i.e., *February 15* to September 15). In the event that vegetation clearing is necessary during the nesting season (i.e., *February 15* – September 15), the RCTC Resident Engineer will require the Construction Contractor to have the Project Biologist conduct a preconstruction survey to identify the locations of listed and nonlisted bird nests within 3 days of the commencements of construction activities. *In addition, if*

any trees are scheduled to be removed between January 15 and February 15, a preconstruction raptor survey would be required prior to removal of any trees...”

S-6-7

The first sentence in the subsection titled “Build Alternatives” in Section 3.22.3.1, Permanent Impacts, on page, 3.22-2 in the Final EIR/EIS, states that “The construction of the MCP Build Alternatives may spread invasive species by the entering and exiting of construction equipment contaminated by invasives, the inclusion of invasive species in seed mixtures and mulch, and the improper removal and disposal of invasive species so that its seed is spread along the highway.” The last sentence in the fifth paragraph in the subsection titled “Riparian/Riverine Areas and Vernal Pools” on page 3.17-21 in Section 3.17, Natural Communities, states that “Increased fire frequency may result in type conversion of native habitats and an increase in the number of exotic plant species.”

Highly invasive species observed in the biological study area that may be spread are listed in the second paragraph in Section 3.22.2, Affected Environment, on page 3.22-1, and include Hottentot-fig, fennel, yellow star-thistle, Mediterranean tamarisk, giant reed, red brome, and pampas grass. Measures IS-1 through IS-5 that will be implemented during construction of the MCP project to avoid adverse impacts related to invasive species are provided in Section 3.22.4, Avoidance, Minimization, and Mitigation Measures, starting on page 3.22-3. Although the use of contaminated seed mixtures could potentially introduce additional invasive species not listed above, Measure IS-2 on page 3.22-4 will ensure that only seed that has been certified or tested for purity will be used for the MCP project. By preventing the introduction of seeds of non-native plant species, Measure IS-2 would reduce this potential impact to less than significant under CEQA.

Specific fire-protection measures during project construction and operation, including brush management zones in areas adjacent to existing reserves, are provided in Measures U&ES-1 through U&ES-6 starting on page 3.5-11 in Section 3.5, Utilities/Emergency Services, in the Final EIR/EIS. By substantially reducing the risk of fire as a result of construction or operation of the MCP project, Measures U&ES-1 through U&ES-6 would reduce this potential impact to less than significant under CEQA.

An EIR is not required to discuss or evaluate how mitigation measures will be funded (*Santa Clarita Organization for Planning the Environment versus County of Los Angeles* (2007) 157 Cal.App.4th 149, 163). However, the costs for the construction of the MCP will include costs for implementing the appropriate mitigation measures for

fire prevention and control. The long-term maintenance costs of operating the MCP facility will also include costs associated with fire prevention and control. Accordingly, the Final EIR/EIS fully analyzes impacts related to invasive species and risk of fire and mitigates for these impacts by reducing the potential for invasive species to be brought on site and providing for fire prevention and control during construction and operations. Please also refer to Measures IS-1 through IS-6, and Measures US&E-1 through US&E-7 in the Environmental Commitments Record in Appendix F, in the Final EIR/EIS.

S-6-8

Please refer to the response to comment S-6-2 for discussion regarding the adequacy of the existing focused surveys. The second paragraph in the subsection titled “Other Non-Listed Species” on page 3.20-7 in Section 3.20.3.1, Permanent Impacts, in the Recirculated Draft EIR/Supplemental Draft EIS was divided into two paragraphs in the Final EIR/EIS. Discussion regarding species not covered under the MSHCP was removed from the second paragraph and included in the new third paragraph, which includes additional details on distribution and avoidance and minimization for these species. The text of this section now reads (revisions shown in italics):

“Impacts to the following special-status species are covered by the Western Riverside County MSHCP: western spadefoot, orangethroat whiptail, coast horned lizard, red diamond rattlesnake, golden eagle, northern harrier, California yellow warbler, white-tailed kite, yellow-breasted chat, loggerhead shrike, tricolored blackbird, purple martin, and San Diego black-tailed jackrabbit. Although these species have a low to moderate occurrence probability, they were not observed during field studies within the BSA. These species are widespread in distribution and are not state or federally listed as threatened or endangered. The types of habitats these species are or may be present in are summarized in the Species Occurrence Table in Appendix N, Regional Species of Concern under the Western Riverside County MSHCP, and impacts to those habitats are summarized in Table 3.17.B in Section 3.17, Natural Communities.

Impacts to the following species are not covered under the Western Riverside County MSHCP: silvery legless lizard, coast patch-nose snake, short-eared owl, long eared owl, pallid bat, Townsend’s big-eared bat, spotted bat, western mastiff bat, western red bat, western yellow bat, big free-tailed bat, pocketed free-tailed bat, southern

grasshopper mouse, and American badger. *Impacts to the bird and bat species are addressed in the subsections titled “Migratory Bird Treaty Act” and “Bat Species,” respectively. The remaining four species not covered by the MSHCP are two reptile (silvery legless lizard and coast patch-nose snake) and two mammal species (southern grasshopper mouse and American badger), which are also widespread in distribution throughout California. Silvery legless lizard is found in drainages and woodlands and has a moderate potential to occur within the MCP BSA. The closest known occurrences are approximately 12 miles to the north in Redlands. Coast patch-nose snake is found in washes and scrub and occurs near San Jacinto and Perris and has a high potential to occur within the BSA. Southern grasshopper mouse has a moderate potential to occur in grasslands and is known from Perris, Romoland, and the March Air Reserve Base. American badger has a high potential to occur within the BSA and is known to occur southeast of Lake Perris. Although no specific avoidance and minimization measures are identified for these remaining species, these species will benefit from MCP design to facilitate wildlife crossings in Western Riverside County MSCHP Criteria Area, which are the locations with the highest likelihood of these species to occur (specifically the San Jacinto River bridges in the Lakeview area and City of San Jacinto and Wildlife Crossing No. 10 near Princess Ann Road at Proposed Constrained Linkage 20). Additionally, the 4,125 foot long retaining wall south of Lake Perris will also provide a barrier to prevent mammal species from entering the right of way.”*

Additionally, in response to concerns regarding white tailed kite and golden eagle, the subsections titled “Migratory Bird Treaty Act” and “Bald and Golden Eagle Protection Act,” starting on page 3.20-8 in the Final EIR/EIS discuss how the project will avoid take of bird species. These sections were updated to include the following: “If any trees are scheduled to be removed between January 15 and February 15, a preconstruction raptor survey would be required prior to removal of any trees.”

S-6-9

The locations of wildlife crossings are shown on Figure 3.17.1 on page 3.17-5 and figures in Attachment E in Appendix I, Supplemental Chapter 2 Attachments in the Final EIR/EIS, including the lengths of the wildlife crossings and the widths of the bridges. Information regarding fencing of animal crossings, jump-outs, and one-way

gates is provided in Section 5.6.5, Wildlife Crossings/Habitat Fragmentation, in the *Natural Environment Study* (2008) and was added in the Final EIR/EIS as described below. In addition, Wildlife Crossing No. 10 was modified to be 12 ft high and 35 ft wide. At the request of the wildlife agencies, this crossing will be restricted to use by wildlife only.

The eighth paragraph in the subsection titled “Wildlife Corridors/Habitat Fragmentation” on page 3.17-26 in the Final EIR/EIS was revised to read (changes shown in italics):

“...from 338 ft to 4,326 ft in length, from 8 ft to 41 ft in height, *and are 62 ft in width.* The proposed bridge designs would provide a connection between Core Areas and Linkages for wildlife to safely move between adjacent habitats.

One undercrossing (Crossing No. 10, as shown in Attachment E in Appendix I) has been designed for the sole purpose of facilitating wildlife movement *between the San Jacinto-Lake Perris Reserve and the Lakeview Mountains.* This 35 ft wide by 12 ft high *by 210 ft long* wildlife undercrossing will accommodate wildlife movement through an area that is currently used for agricultural purposes (Proposed Linkage 20, as designated by the Western Riverside County MSHCP). The wide openings of this wildlife undercrossing would allow sufficient light for wildlife to see from the opening of the undercrossing to the end. *All wildlife crossings, including Crossing No. 10, will be fenced to deter animals from accessing the road; however, jump-outs and one-way gates will be provided to allow the animals to escape should they enter into the fenced road right of way.* The center median of the MCP facility will be designed with a metal guardrail on posts, which would allow any animals that may get onto the facility to pass through the median area.

The Western Riverside County MSHCP states that the major covered activities potentially affecting the linkage include the Hemet to Corona/Lake Elsinore CETAP Corridor, which in this area, is the MCP project. The Western Riverside County MSHCP identifies the following terrestrial animal species as Planning Species for Proposed Linkage 20 that may use the wildlife crossing: Los Angeles pocket mouse, western pond turtle, and arroyo toad, which is more than adequate for these species.”

As described in the sixth paragraph in the subsection titled “Wildlife Corridors/Habitat Fragmentation” on page 3.17-25 in the Final EIR/EIS, extensive meetings and discussions have taken place with the CDFW and the USFWS since the initiation of the MCP project studies in 2003 to site and design the proposed wildlife crossings along the MCP project alignment in the most advantageous locations and still meet various engineering constraints.

S-6-10a

This paragraph describes CDFW’s roles under the California Endangered Species Act and in regard to Natural Community Conservation Plans. This introductory information does not raise any environmental issues and, therefore, does not require a written response per Section 15088 in the *CEQA Guidelines*.¹

S-6-10b

This comment indicates CDFW’s concern that Permittees must demonstrate that proposed actions are consistent with the Western Riverside County MSHCP and its associated Implementing Agreement. At the time that the Recirculated Draft EIR/Supplemental Draft EIS was prepared and distributed for review, no preferred alternative for the MCP project had been identified. For RCTC to prepare the MSHCP Consistency Determination, Determination of Biologically Equivalent or Superior Preservation (DBESP), and go through the Joint Project Review (JPR) process for the MCP project, a preferred alternative must be identified. The process used to evaluate the alternatives and identify the preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. As discussed in Section 2.5.5, Alternative 9 Modified with the SJRB DV was identified as the preferred alternative.

The Western Riverside County MSHCP consistency determination process was completed after the circulation of the Recirculated Draft EIR/Supplemental Draft EIS, and the documentation is included in Appendix T, *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis*, in this Final EIR/EIS. Please also refer to Section

¹ Section 15088(a) of the CEQA Guidelines notes that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

S.5.1, Master Response Related to the Western Riverside County Multiple Species Habitat Conservation Plan, on page S-6, for discussion regarding the requirements of the Western Riverside County MSHCP applicable to the MCP project and how the MCP project was determined to be consistent with the Western Riverside County MSHCP. Additional language was added in the subsection titled “Western Riverside County MSHCP” starting on page 3.17-1 in Section 3.17.1.1, Habitat Conservation Plans, Natural Communities Conservation Plans, and Wildlife Areas, and in the subsection titled “Western Riverside County MSHCP” starting on page 3.17-2 in Section 3.17.2.1, Permanent Impacts, in the Final EIR/EIS to more fully describe how RCTC, as a Permittee under the Western Riverside County MSHCP, complies with the provisions and policies in the Western Riverside County MSHCP, and its Implementing Agreement.

S-6-11

This comment indicates CDFW’s concern that the Recirculated Draft EIR/Supplemental Draft EIS did not list all criteria cells in the study area or their Western Riverside County MSHCP requirements and should acknowledge how the MCP interfaces with the reserve areas. Table 3.17.I on page 3.17-51 in the Final EIR/EIS summarizes the acres of impacts to Core Reserves and criteria areas by alternative. Table 3.17.J on page 3.17-52 summarizes the acres of impacts by alternative to PQP Lands by habitat type. The following text was inserted in the eighth paragraph in the subsection titled “Western Riverside County MSHCP Conservation Area on page 3.17-53 in the Final EIR/EIS (new text shown in italics): “...and (2) in the SJWA, *as shown earlier on Figure 3.17.1. As shown on Figure 3.17-1, the Alternative 9 Modified Alignment is west of and outside the PQP Lands along the Perris Valley Storm Drain, and the alignment of all three MCP Build Alternatives is south of and outside the PQP Lands in the San Jacinto Wildlife Area.*”

Section 3.2, Relationship to Reserve Assembly/Criteria Area in the MSHCP Consistency Determination (Appendix T in the Final EIR/EIS), provides a detailed discussion of each MSHCP criteria cell affected by the MCP project. This information is summarized on page 3.17-49 in the Final EIR/EIS.

S-6-12

This comment is a reminder that a DBESP for riparian/riverine areas is required for the MCP project and reiterates that the site is within survey areas for burrowing owl, Narrow Endemic Plant Species Survey Area (NEPSSA), Criteria Area Species Survey Area (CASSA), and small mammals. The survey results and impacts to the Western Riverside County MSHCP survey area species are discussed in Section

3.17.3.1, Permanent Impacts, starting on page 3.17-16 in the Final EIR/EIS. The DBESPs for the MCP project were prepared after the identification of the preferred alternative and are included in the Western Riverside County MSHCP Consistency Determination provided in Appendix T in the Final EIR/EIS. Please also refer to Section S.5.1, Master Response Related to the Western Riverside County Multiple Species Habitat Conservation Plan, on page S-6, for discussion regarding the requirements of the Western Riverside County MSHCP applicable to the MCP project and how the MCP project was determined to be consistent with the Western Riverside County MSHCP regarding the burrowing owl, the NEPSSA, CASSA, and small mammals.

S-6-13

This comment requests an impact analysis for suitable habitat for the burrowing owl in the project area. This information was already provided as shown in the following sections in the Final EIR/EIS:

- Table 3.17.G on page 3.17-37 in the Final EIR/EIS provides the total permanent and temporary impacts on habitat suitable for long-term conservation for burrowing owl in the Western Riverside County MSHCP survey area within the footprints of the MCP Build Alternatives.
- Table 3.20.A on page 3.20-4 in the Final EIR/EIS summarizes the area of direct impacts to burrowing owls by the MCP Build Alternatives based on a 300 ft foraging radius (6.5 acres [ac]) around any primary burrow occupied by paired or unpaired resident birds (California Burrowing Owl Consortium 1993, p. 6). As shown in Table 3.20.A, there will be 3.1 acres of direct impacts to burrowing owl foraging habitat by the Build Alternatives.

S-6-14

This comment indicates CDFW's concern regarding deferring mitigation to future regulatory discretionary actions. Please refer to the response to comment S-6-1 regarding disclosure of mitigation, "deferral," and appropriate mitigation ratios for CEQA and NEPA purposes. The DBESP analysis was deferred until after identification of a preferred alternative for the MCP project; however, the commitment to fully mitigate project impacts to meet the DBESP criteria was included in the Recirculated Draft EIR/Supplemental Draft EIS in Measure NC-6. All measures from the approved DBESPs for the MCP project have been included in the preferred alternative as documented in the Environmental Commitment Record in Appendix F in the Final EIR/EIS.

For impacts to jurisdictional waters of the State, the mitigation ratios RCTC has committed to are sufficient to mitigate impacts for CEQA/NEPA purposes. These ratios will not be reduced in the future and the project is not relying on future mitigation measures to offset the described impacts.

As described in response to comment S-6-1b, if the regulatory permits for the MCP project require additional compensation for permanent or temporary impacts beyond the minimum replacement ratios committed to in the Final EIR/EIS, that additional compensation would be negotiated during final design in coordination with the resource and regulatory agencies, including CDFW. Those negotiated mitigation requirements during the permitting process would be above and beyond the mitigation required for CEQA/NEPA purposes.

S-6-15

This comment notes the CDFW requirement for a Notification of Lake or Streambed Alteration and states that CDFW reviews jurisdictional delineation (JD) reports, may request changes to a JD, and may recommend additional project avoidance and/or minimization measures, or request additional mitigation for impacts to jurisdictional areas. As discussed in Section 5.5 Consultation and Coordination with Public Agencies, on page 5-17 in the Final EIR/EIS, the CDFW has been involved in on-going coordination meetings regarding the MCP project during the preparation of the technical studies and the environmental documentation.

CDFW participated in discussions and field meetings in October 2006 to verify the draft JD for the MCP project. On December 7, 2006, CDFW sent an email to Rob McCann (LSA, MCP project consultant), providing one comment on that JD requesting additional tabular presentation of data. That email is included in Chapter 5 in the Final EIR/EIS. No changes to CDFW areas were made between the 2007 and 2008 Jurisdictional Delineations because there were no changes in the on-the-ground conditions in those areas over that time period. Additionally, the report was updated in December 2013, based on detailed examination of aerial photographs and field surveys (where necessary) in the fall of 2013. The 14th bullet in Section 5.5 in the Final EIR/EIS on page 5-19 was revised to read (change shown in italics) to indicate that CDFW was involved in the field review meeting along with United States Army Corps of Engineers (USACE) and United States Environmental Protection Agency (EPA): “October 2006: A field review was conducted with USACE, *CDFW*, and EPA staff to verify results of the Jurisdictional Delineation.”

S-6-16

As discussed in the responses to comments S-6-2 and S-6-15, the previously conducted surveys for the MCP project (excluding the JD) are adequate for purposes of the CEQA/NEPA requirements for this project. An updated *Jurisdictional Delineation and Assessment Report* (December 2013) was prepared for the USACE because 5 years had passed since the USACE's approval of the original *Jurisdictional Delineation and Assessment Report* in April 2008. The updated *Jurisdictional Delineation and Assessment Report* confirmed previous determinations of jurisdictional waters and is discussed on page 3.18-6 in the Final EIR/EIS. If additional information is needed prior to the issuance of a Streambed Alteration Agreement by the CDFW, that information will be provided by RCTC at that time.

S-6-17

This comment indicates CDFW's concern that the temporary impacts include 90 percent of bridged areas that may underestimate permanent shading impacts. Please note that the last sentence in the second paragraph on page 3.17-17 in Section 3.17.3.1, Permanent Impacts, in the Final EIR/EIS indicates that, due to shading effects, all riparian woodland, riparian scrub, and marsh habitats beneath and between bridges were calculated as permanent impacts of the MCP Build Alternatives. Accordingly, the Final EIR/EIS accounts for worst-case impacts, which also take into account the potential indirect impacts (littering, introduction of invasive species, and the increase of fire frequency) cited in this comment.

S-6-18

This comment recommends avoidance of stream and riparian habitats to the extent possible and notes that unavoidable impacts need to be compensated with the creation and/or restoration of in-kind on- or off-site habitat at a 3:1 replacement-to-impact ratio. RCTC and its biologists and project engineers have participated in numerous meetings and coordination efforts, including review of the previously proposed USACE Special Area Management Plan, to reduce project-related impacts to stream and riparian habitats, and to design appropriate bridges, as discussed in the first paragraph in Section 3.18.3, Environmental Consequences, on page 3.18-15 in the Final EIR/EIS. The project has avoided impacts to stream and riparian habitats to the maximum extent feasible at this design stage.

A summary table of bridge descriptions and avoidance of jurisdictional areas is provided in Attachment D in Appendix I, Supplemental Chapter 2 Attachments, in the Final EIR/EIS.

RCTC has committed to a mitigation ratio of 2:1 for permanent impacts to all CDFW jurisdictional areas (streambed and riparian habitat) as discussed in Measure WET-1 on page 3.18-45 in the Final EIR/EIS, which is sufficient for purposes of mitigation under CEQA and NEPA because it doubles the amount of mitigation to be in compliance with the no-net loss policies, which require a 1:1 replacement ratio. As discussed in Mitigation Measure WET-1 on page 3.18-45 in the Final EIR/EIS, if regulatory permits for the MCP project require additional compensation for permanent or temporary impacts beyond the minimum replacement ratios described in the Final EIR/EIS, those would be negotiated during final design in coordination with the resource and regulatory agencies, including CDFW. That additional compensation would further reduce the already less than significant impacts under CEQA described in Section 3.18 and Chapter 4 in the Final EIR/EIS.

S-6-19

Please refer to the responses to comments S-6-2 and S-6-16 regarding updating the surveys, including the JD report. Discussion of avoidance and minimization measures is provided in the first paragraph in Section 3.18.3, Environmental Consequences, in the Final EIR/EIS and as noted in the response to comment S-6-18. The measures for the MCP project were finalized based on the identified preferred alternative; the details of those measures are provided in the Draft Habitat Mitigation and Monitoring Plan (HMMP), in Appendix P in this Final EIR/EIS. The preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. All the information that CDFW is suggesting be included was included in the Recirculated Draft EIR/Supplemental Draft EIS and has been included in the Final EIR/EIS, specifically:

- Temporary and permanent impacts to CDFW jurisdictional streambeds and associated habitats for all of the Build Alternatives are summarized in Table 3.18.B, Impacts to Wetlands and Other Jurisdictional Areas, in Section 3.18.3.1, Permanent Impacts, and Table 3.18.G, Temporary Impacts to Wetlands and Other Jurisdictional Areas, in Section 3.18.3.2, Temporary Impacts, in the Final EIR/EIS.
- The impacts of the preferred alternative are described in Section 2.5.5, Identification of the Preferred Alternative, starting on page 2-98 in the Final EIR/EIS.
- The avoidance and minimization measures for the project impacts to waters (Measures WET-1 through WET-4) are provided in Section 3.18.6, Environmental Consequences, starting on page 3.18-45 in the Final EIR/EIS.

S-6-20

This comment states the mitigation measures in the Recirculated Draft EIR/ Supplemental Draft EIS are insufficient to mitigate for impacts to jurisdictional areas and that CDFW believes it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources.

The comment that CDFW requires mitigation to be placed within the same watershed is noted and has been incorporated in the Draft HMMP, in Appendix P in the Final EIR/EIS.

This commenter does not indicate why the proposed mitigation measures are insufficient. As committed to in Measure WET-1 on page 3.18-45 in the Final EIR/EIS, the MCP project will comply with the federal policy of no net loss of wetlands. A minimum 1:1 replacement ratio will be implemented within the San Jacinto River watershed. Additional wetland mitigation needed beyond the 1:1 replacement ratio to achieve the remainder of the minimum 2:1 mitigation ratio may be implemented outside the San Jacinto River watershed if sufficient acreage within the San Jacinto River Watershed is not available. Although any additional mitigation may be required during the permitting process, the mitigation committed to by the RCTC in the Final EIR/EIS is sufficient for the purposes of CEQA and NEPA and replaces greater than the amount of jurisdictional areas impacted by the MCP project, such that there will be no net loss of jurisdictional areas. The project impacts on wetlands and other waters would be mitigated to below a level of significance under CEQA as discussed in Section IV, Biological Resources, in Chapter 4, California Environmental Quality Act Evaluation, in the Final EIR/EIS. Accordingly, full public disclosure and analysis of all impacts have been provided as required by CEQA. Further details regarding this mitigation are provided in the Draft HMMP, in Appendix P in the Final EIR/EIS.

S-6-21

This comment summarizes CDFW concerns described earlier in this comment letter. Please refer to the responses to comments S-6-2, S-6-4, S-6-6, S-6-16, S-6-18, and S-6-20 for responses regarding those individual concerns.

S-6-22

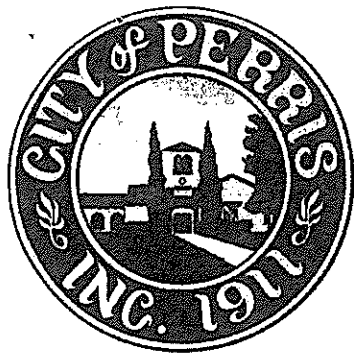
This comment summarizes CDFW concerns cited earlier in this comment letter regarding inadequacies in describing the full impacts of the project scope, including, but not limited to, describing and analyzing impacts to sensitive species and habitats that may be impacted and an updated impact analysis for state waters. Please refer to the responses to comments 7-2, 7-16, and 7-20 for responses regarding those

concerns. Please also note that this Final EIR/EIS identifies the preferred alternative and includes focused measures specific to the preferred alternative as discussed in the *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* (2014), including the DBESPs prepared for the MCP, provided in Appendix T, in this Final EIR/EIS.

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**S.6.3 Regional, County, and City Agency Comments and Responses
(R-1)**

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CITY OF PERRIS

Office of the City Manager

R-1

101 NORTH "D" STREET
PERRIS, CALIFORNIA 92570
TEL: (951) 943-6100

RECEIVED
MAR 18 2013

RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

March 13, 2013

Ms. Cathy Bechtel
Riverside County Transportation Commission
PO Box 12008
Riverside, CA 92502

Dear Ms. Bechtel:

The City of Perris is pleased to provide this letter in response to RCTC's recirculation of the Draft EIR/EIS for the Mid County Parkway project. The Mid County Parkway is a key project for the City – there is no community where it will have a greater impact. It will greatly enhance regional accessibility for both residents and employers in our City, and we look forward to its completion in future years.

As you know, the City of Perris has been actively involved in the planning process for this freeway facility over many years. As discussed in the DEIR, the City selected its locally preferred alternative in 2011. The Perris City Council unanimously selected Alternative 9 as the locally preferred alternative. Of the alternatives currently under consideration, this one has several advantages to the City. One particular advantage is that the depressed vertical alignment has the least impact in terms of dividing the City into two halves north and south of the freeway. Also important was that Alternative 9 avoids both permanent and construction impacts to Ramona Expressway within the City.

R-1-1

There were several concerns expressed by the City Council when the locally preferred alternative was adopted, and as such they placed some conditions on their selection. The conditions were as follows:

- The interchange at I-215 and Placentia Avenue shall be made a part of the MCP project, and constructed as part of the initial phase of the MCP.
- Construction of the MCP shall begin at the I-215 in Perris, and widening of I-215 between Nuevo and Van Buren shall be completed at the same time (if not already done)
- RCTC shall continue the planning process for a CETAP corridor between I-15 and I-215, specifically evaluating the feasibility of the Ethanac/Hwy 74 corridor.

R-1-2



Cathy Bechtel
March 13, 2013
Page Two

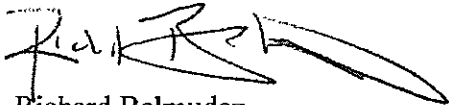
These conditions can be found in full in the Council's resolution declaring their preferred alternative (attached to this letter).

↑
R-1-2

Once constructed, the Mid County Parkway will be an historic project for RCTC and the City of Perris. It will be the most significant infrastructure project built in Perris thus far in the 21st Century, and will certainly portend a bright future for our growing region.

Thank you for the opportunity to comment on the MCP project. We look forward to its successful completion in the coming years.

Sincerely,



Richard Belmudez
City Manager

Attachment: Resolution Number 4428

cc: Habib Motlagh, City Engineer

RESOLUTION NUMBER 4428

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PERRIS, COUNTY OF RIVERSIDE, STATE OF
CALIFORNIA, SELECTING ALTERNATIVE 9 OF THE MID
COUNTY PARKWAY AS THE LOCALLY PREFERRED
ALTERNATIVE**

WHEREAS, The City Council of the City of Perris ("City") recognizes the need to accommodate the growing regional east-west movement of traffic between and through San Jacinto and Perris that is due in part to the substantial population and employment growth in western Riverside County; and

WHEREAS, the City acknowledges that the Riverside County Transportation Commission ("RCTC") has designated a study area for the proposed Mid-County Parkway, which encompasses an area north and south of the existing roadway known as Ramona Expressway between San Jacinto and Perris; and

WHEREAS, RCTC has proposed several alternate alignments of the Mid-County Parkway within the study area and the Perris City Limits; and

WHEREAS, RCTC has requested that affected local agencies select a preferred alternative for the Mid County Parkway, to indicate support for the project and to encourage project awareness; and

WHEREAS, on November 9, 2004, the City of Perris adopted Resolution Number 3333, formally designating the "North Perris Alignment" as the preferred alternative for the future Mid County Parkway within the City of Perris; and

WHEREAS, on September 26, 2006, the City of Perris rescinded Resolution Number 3333 via Resolution 3767, and since that date there has been no locally preferred alternative in place; and

WHEREAS, the City Council has studied the alternatives currently under consideration by RCTC, which have been given both numerical and geographical titles as follows: Alternative 4 (North Perris/Drain), Alternative 5 (South Perris/Rider), and Alternative 9 (Placentia); and

WHEREAS, Alternative 9 (Placentia) has many benefits to the City of Perris, including construction of an interchange at Placentia & I-215, early implementation of I-215 widening between Nuevo Road and Van Buren Blvd., and minimization of impacts to Ramona Expressway during and after construction;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS DOES
HEREBY RESOLVE AS FOLLOWS:

1. The foregoing recitals are true and correct and are incorporated herein by reference..
2. The City Council hereby designates the Alternative 9 (Placentia) for the Mid County Parkway as the locally preferred alignment within the City limits.
3. The City Council finds that Alternative 9, while the preferred alternative, does have some points of concern for the City. To address these concerns, the City has requested that RCTC do the following:

RCTC shall include the environmental documents and design for freeway connection at I-215 and Placentia Interchange for interim and ultimate conditions.

R-1-3

Construction of the Mid County Parkway shall commence in the City of Perris and shall include construction of the interchange at Placentia and widening of I-215 between Van Buren and Nuevo then continue easterly and no other segments east of City of Perris shall be completed prior to completion of this work.

R-1-4

RCTC shall take an active role to re-establish the CETAP corridor between I-15 and I-215, specifically to investigate the feasibility of an Ethanac Corridor.

R-1-5

Construction of over-crossings at Indian Avenue and Perris Blvd. per City's General Plan. Such crossings shall include for pedestrians and bicyclists.

R-1-6

Frontage Road shall be maintained or reconstructed to provide access from Ramona Expressway to Nuevo Road.

R-1-7

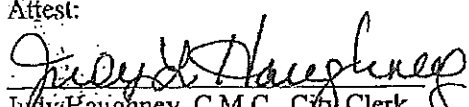
Drainage improvements shall be constructed according to adopted Master Drainage Plans. Any adjustments or modifications to Master Plans required to accommodate the MCP shall be funded by MCP/RCTC.

R-1-8

ADOPTED, SIGNED and APPROVED by the City Council of the City of Perris this 28th day of June, 2011.


Daryl R. Busch, Mayor

Attest:


Judy Haughey, C.M.C., City Clerk

This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

R-1-1

The City of Perris' support for the MCP project and identification of Alternative 9 Modified with the interchange at Interstate 215 (I-215) and Placentia Avenue as its preferred alternative is noted. It is acknowledged, as noted in this comment, that the MCP project will greatly benefit the City of Perris particularly related to improved regional accessibility. As discussed in Section 3.4, Community Impacts, starting on page 3.4-1 in the Final EIR/EIS, both Alternative 4 Modified and Alternative 5 Modified would result in greater community impacts in the City of Perris than the preferred alternative.

R-1-2

The Perris City Council's Resolution No. 4428 (June 28, 2011) supporting Alternative 9 as the locally preferred alternative for the MCP project is acknowledged. The resolution includes six requests to the Riverside County Transportation Commission (RCTC) to address specific concerns of the City regarding the project; these requests are addressed in responses to comments R-1-3 through R-1-8.

R-1-3

The City of Perris' identification of Alternative 9 Modified with the interchange at I-215 and Placentia Avenue as its preferred alternative for the MCP project is noted. The process used to evaluate the alternatives and identify the preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. As discussed in Section 2.5.5,

¹ Section 15088(a) of the CEQA Guidelines notes that "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response." As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

Alternative 9 Modified with the San Jacinto River Bridge Design Variation (SJRBDV) was identified as the preferred alternative.

As shown on Figures 2.3.1a through 2.3.1c and as described in the supporting text in Chapter 2, Project Alternatives, in the Final EIR/EIS, the MCP Build Alternatives all include a systems interchange between the MCP facility and I-215 and a new interchange at I-215/Placentia. At this time, as described in Section 2.3.2.18, Construction, on page 2-53 in the Final EIR/EIS, RCTC is planning to construct the MCP project as a single-phase project. As a result, it is expected that the MCP/I-215 system interchange would be constructed as part of that single phase of construction. However, should phased construction be required, RCTC would continue to work cooperatively with the City of Perris, the County of Riverside, and the City of San Jacinto to construct initial phases where the transportation needs are the greatest. Refer to Section 2.3.2.18, Construction, on page 2-53 in the Final EIR/EIS, for discussion of a possible phasing plan for the MCP project. As shown on Figure 2.3.6a in Chapter 2 in the Final EIR/EIS, if construction of the MCP project is phased, the first phase would provide additional mixed-flow lanes on I-215, a service interchange at Placentia Avenue/I-215, and improvements on the middle segment of the MCP facility (between approximately Bernasconi Road and Reservoir Road), with completion of those improvements by 2020.

R-1-4

The City's request that construction of the MCP project begin at I-215 in Perris, with concurrent widening of I-215 between Nuevo Road and Van Buren Boulevard, and that no other segments east of Perris be completed prior to the completion of this work is noted. As noted in response to comment R-1-3, RCTC is planning to construct the MCP project as a single-phase project. The order of construction of the MCP improvements has not yet been determined and, therefore, it is not possible for RCTC to commit to initiate the project construction at the MCP/I-215 system interchange. Should phased construction be required, RCTC would continue to work cooperatively with the City of Perris, the County of Riverside, and the City of San Jacinto to construct initial phases where the transportation needs are the greatest. As discussed in the response to comment R-1-3 above, if the implementation of the MCP project improvements is phased, the improvements at the I-215/MCP system interchange would be implemented in Phases 2 and 3; refer to Figure 2.3.6a in Chapter 2, in the Final EIR/EIS, for the details regarding the potential phasing of the MCP construction.

R-1-5

The City's desire that RCTC continue the planning process for a Community and Environmental Transportation Acceptability Process (CETAP) corridor between Interstate 15 (I-15) and I-215 is noted, including a request that the planning include consideration of the feasibility of the Ethanac/Highway 74 (State Route 74 [SR-74]) Corridor. RCTC is committed to continuing the planning efforts for a CETAP Corridor between I-15 and I-215; this corridor is included in the adopted 2012 Regional Transportation Plan (RTP) as Project ID No. 3C01MA01. Although it is included in the 2012 RTP, this project was not included in Section 3.25, Cumulative Impacts, in the Final EIR/EIS, because no studies for this corridor have been initiated at this time.

These comments do not raise an environmental issue within the context of the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA), or comment on the adequacy of the technical information or environmental analyses in the EIR/EIS. Consistent with the requirements of CEQA and NEPA, comments that raised environmental issues under CEQA and NEPA are responded to in this Final EIR/EIS. In addition, all comments received on the Recirculated Draft EIR/Supplemental Draft EIS are included in this Final EIR/EIS and have been made available to the public and decision-makers prior to any action on the proposed project.

R-1-6

As described in Chapter 2, Project Alternatives, in the Final EIR/EIS, Alternative 9 Modified, the preferred alternative, includes an undercrossing at Indian Avenue and an overcrossing at Perris Boulevard. The MCP facility will be below grade (depressed) from Perris Boulevard to Evans Avenue so that the local streets can remain at grade and the MCP facility would not be visible. The systems interchange at I-215 needs to be above the existing I-215 mainline due to groundwater concerns and difficulty in construction. For the MCP facility to be at an appropriate elevation above I-215 for the systems interchange and to meet the Caltrans design standards for vertical alignments, the MCP facility must go over Indian Avenue. At Indian Avenue, the MCP facility will be ascending to the required elevation for the systems interchange. As a result, Indian Avenue will cross under the MCP facility. In order to be at the appropriate elevation for the systems interchange and meet the Caltrans standards for geometrics, the MCP must include an undercrossing at Indian Avenue. Perris Boulevard and Evans Avenue will cross over the depressed MCP facility (overcrossings). Regardless of whether these are undercrossings or overcrossings, these arterial highway crossings will be constructed consistent with the typical cross

sections called for in the City of Perris General Plan Circulation Element for those types of streets, including accommodating pedestrians and bicyclists as shown on Exhibit E-11 (City of Perris Future Cross Sections) in the City's General Plan Circulation Element (as amended August 26, 2008).

R-1-7

As described in Chapter 2 in the Final EIR/EIS, Alternative 9 Modified, the preferred alternative, includes a frontage road that provides access to properties along I-215 between Ramona Expressway and Nuevo Road.

R-1-8

As described in Chapter 2 in the Final EIR/EIS, Alternative 9 Modified, the preferred alternative, includes drainage improvements necessary to construct and support the operation of the project. These improvements will be funded and constructed by RCTC as part of the MCP project improvements consistent with the Master Drainage Plan (MDP) for the San Jacinto River Basin or other applicable MDPs.



March 21, 2013

Ms. Cathy Bechtel
Riverside County Transportation Commission
PO Box 12008
Riverside, CA 92502

RECEIVED
MAR 25 2013

RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

Dear Ms. Bechtel,

The City of San Jacinto is pleased to provide this letter in response to RCTC's recirculation of the Draft EIR/EIS for the Mid County Parkway project. The City wishes to give its support to this worthy project. We look forward to seeing the project progress beyond the environmental phase into design and ultimately construction in the near future.

As you know, the City of San Jacinto has been actively involved in the planning process for this freeway facility over many years. It is a critical project for the future of the city as well as the entire region. As touched upon in the DEIR, the City Council selected its locally preferred alternative several years ago. We would like to once again reiterate our preference for the more southerly alignment of the MCP within San Jacinto's corporate boundaries (as opposed to the San Jacinto North Design Variation). The southerly alignment, which the DEIR presents as the city's preferred alternative, has the support of the City Council, local land owners and the development community. Furthermore, it has less impact on the San Jacinto River floodplain and its alignment is almost entirely on vacant land.

R-2-1

Since the MCP is such a large project, it is almost certain to be built in phases. This reality is acknowledged in the DEIR. In 2009, the City Council adopted a resolution encouraging RCTC to initiate work on the MCP at its eastern terminus, beginning in San Jacinto and heading west toward Lakeview. There is an opportunity to construct the improvements on the realignment of State Route 79 and the Mid County Parkway (which are both RCTC projects) at the same time. Doing so would have a number of benefits, such as: a lower total cost for the ultimate facilities; less impact to drivers local residents and businesses, since work would be done in one phase rather than multiple phases over many years; and no construction of "throwaway" improvements on either State Route 79 or the Mid County Parkway. We ask that RCTC strongly consider this approach to the Parkway's construction.

R-2-2

We note that per the DEIR, phase one of MCP construction primarily consists of widening the existing Ramona Expressway to four lanes between Perris' easterly city limit and San Jacinto's westerly city limit, making a continuous four lane highway from I-215 to SR 79. While we maintain our request that work begin in San Jacinto, we also recognize that this is a worthwhile starting point for the project, as it will eliminate the existing choke point where Ramona Expressway narrows to just two lanes in unincorporated Riverside County. It is our hope and request that RCTC will move forward with this work in a timely manner regardless of the progress of adjacent private land development. Should the work on Ramona Expressway come first, we presume that the cost of the widening can be recaptured via development impact fees.

R-2-3

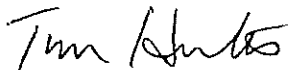
One additional item that the City would like RCTC to review is the sizing of Wildlife Undercrossing Location 10. The City's Trails Master Plan identifies a future equestrian trail that would run roughly parallel and to the west of Warren Rd, then meander northwesterly on the south side of Ramona Expressway all the way to the San Jacinto city limit near Bridge Street. At this point it would be possible to make a connection to the planned Wildlife Undercrossing Structure and ultimately north to the De Anza National Historic Trail along the San Jacinto River.

R-2-4

The current proposed size of the Wildlife Undercrossing Structure is not tall enough to accommodate a horse, rider and additional space should the horse get spooked and rear. As a result, riders will be required to get off the horse and walk the horse through the Corridor. Increasing the size of the Wildlife Undercrossing Structure, if feasible, is appreciated.

Thank you for the opportunity to comment on the MCP project. We look forward to its successful completion in the coming years.

Sincerely,



Tim Hults
City Manager

This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

R-2-1

The City of San Jacinto's preference for the more southerly MCP alignment within the City's corporate boundaries is noted. The process used to evaluate the alternatives and identify the preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. As discussed in Section 2.5.5, Alternative 9 Modified with the San Jacinto River Bridge Design Variation (SJRB DV) was identified as the preferred alternative. As described in that section in the Final EIR/EIS, Alternative 9 Modified, the preferred alternative, follows the southerly alignment preferred by the City of San Jacinto.

R-2-2

The City of San Jacinto's preference that the construction of the MCP begin on the east end in the San Jacinto area is noted. The Riverside County Transportation Commission (RCTC) is planning to construct the MCP project as a single-phase project. Should phased construction be required, RCTC would continue to work cooperatively with the City of San Jacinto, the City of Perris, and the County of Riverside to construct initial phases where the transportation needs are the greatest. Refer to Section 2.3.2.18, Construction, on page 2-53, in the Final EIR/EIS for discussion of a possible phasing plan for the MCP project. Refer also to Figure 2.3.6a in Chapter 2, Project Alternatives, which shows a potential phasing plan for the MCP project. As shown on Figure 2.3.6a, if construction of the project is phased, the first phase would provide additional mixed-flow lanes on Interstate 215 (I-215), a service interchange at Placentia Avenue/I-215, and improvements along the middle segment of the MCP facility (between approximately Bernasconi Road and Reservoir Road),

¹ Section 15088(a) of the CEQA Guidelines notes that "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response." As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

with completion of those improvements by 2020. The second phase would include completion of the MCP facility as an arterial highway between I-215 and State Route 79 (SR-79); improvements to the I-215/MCP and SR-79/MCP interchanges; and service interchanges at Perris Boulevard, Evans Road, Ramona Expressway/Antelope Road, with completion of those improvements by 2030. The third phase would include widening the MCP facility to six lanes between I-215 and SR-79, and completion of the system interchanges at I-215 and SR-79, with completion of those improvements by 2040. As a result, although the City of San Jacinto's preference is for the project construction to begin with the improvements in the City of San Jacinto, construction of MCP project improvements in the City would not be initiated until Phase 2. As discussed in Section 2.3.2.18 in the Final EIR/EIS, the phasing of the MCP improvements would be based on traffic demand and the provision of improvements that provide independent utility and logical termini.

This comment does not raise an environmental issue within the context of the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA), or comment on the adequacy of the technical information or environmental analyses in the Recirculated Draft EIR/Supplemental Draft EIS. Consistent with the requirements of CEQA and NEPA, all comments received on the Recirculated Draft EIR/Supplemental Draft EIS are included in this Final EIR/EIS and have been made available to the public and decision-makers prior to any action on the proposed project.

R-2-3

The City's desire that the improvements to the Ramona Expressway between the eastern limit of the City of Perris and the western limit of the City of San Jacinto proceed regardless of the status of proposed and planned development along that segment of the Ramona Expressway is noted. Planning for regional and subregional transportation improvements such as the MCP project is not based on the anticipated development of individual parcels of land or projects, but rather on regionally adopted demographic (population and employment) projections. As discussed in Section 1.3.2, Project Need, starting on page 1-15 in the Final EIR/EIS, the need for the MCP project is based on adopted population and employment projections for western Riverside County to the year 2035 and not on the implementation of individual development projects. As a result, the status of individual development projects along Ramona Expressway would not affect the scheduling of the implementation of the MCP improvements.

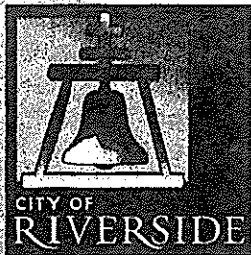
At this time, RCTC has not identified development impact fees as a funding source for any of the MCP project improvements. It is possible, particularly if the project improvements are phased, that some of the improvements to existing roads, such as the widening of Ramona Expressway, could be partially funded with locally generated development impact fees.

R-2-4

The comment indicates that the proposed size of Wildlife Crossing No. 10 in the Recirculated Draft EIR/Supplemental Draft EIS is not tall enough to accommodate a horse, a rider, or additional space should the horse rear up. This comment recommends increasing the size of that crossing. Wildlife Undercrossing No. 10 is just west of Bridge Street, at approximately MCP centerline station 685 + 85 (refer to Attachment E in Appendix I, Supplemental Chapter 2 Attachments, in the Final EIR/EIS; Attachment E is a figure showing the locations of bridges, culverts, and wildlife crossings along the alignments of the MCP Build Alternatives). The crossing will be 12-feet (ft) high and 35 ft wide. Crossing No. 10 will be restricted to wildlife only.

A separate pedestrian/equestrian trail will be provided at a separate location in consultation with Riverside County. If that trail is existing at the time the MCP project is built, the MCP design will include an undercrossing for that trail. If the trail is not existing and the time the MCP project is constructed, that future trail (which would be constructed by others) would be able to cross over the MCP facility.

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Community Development
Department
Planning Division

RECEIVED
APR 02 2013

March 29, 2013

RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

Cathy Bechtel
Riverside County Transportation Commission
P.O. Box 12008
Riverside, CA 92502

SUBJECT: NOTICE OF AVAILABILITY OF A RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT/SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT – MID COUNTY PARKWAY PROJECT

Dear Ms. Bechtel:

The City of Riverside appreciates the opportunity to review and comment on the recirculated Draft Environmental Impact Report (DEIR)/Supplemental Draft Environmental Impact Statement (SDEIS) for the Mid County Parkway (MCP) project.

Background/Project History

In 2004, the Riverside County Transportation Commission (RCTC) began the environmental review process for the MCP project through the issuance of a Notice of Preparation (NOP). The original MCP project was a proposed 32-mile east-west transportation corridor between Interstate 15 in the west and State Route 79 in the east, with all of the alternatives under consideration traversing the City's southern Sphere of Influence. In October 2008, RCTC released the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the original MCP project, outlining the project's environmental impacts on the project area.

R-3-1a

Since the issuance of the initial notice of preparation in 2004, City staff has actively participated in the MCP project's development process, meeting on repeated occasions with RCTC staff as well as submitting formal comments in response to the release of various project-related documents. On December 16, 2008, the City Council declared its support for the MCP project noting its potential to provide an important east-west corridor southerly of the City's limits and serve as a viable alternative to divert cut-through traffic from City streets. In addition, the City Council stated its strong desire to see the western segment of the MCP project constructed prior to the eastern segment and cautioned that long-overdue capacity improvements to the Interstate-15/State Route-91 interchange would be necessary to adequately accommodate the anticipated additional traffic caused by the MCP project.

R-3-1b

On June 4, 2009, RCTC staff formally notified City staff of its recommendation to withdraw the western segment from the MCP project's scope, focusing only on construction of the eastern segment. In response to this change in project scope, the City Council, on June 9, 2009, by unanimous vote, declared its strong opposition to this proposal.

In two separate letters (see enclosures), one from City staff to RCTC (dated June 10, 2009) and one from the City Council to RCTC (dated June 29, 2009), the City of Riverside expressed major concerns with the construction of only the eastern segment of the MCP project and offered a set of recommendations, including delaying completion of the MCP project as proposed until several major improvements in the region are completed. These include improvements to I-15 and the I-15/SR-91 interchange, as well as improvements to widen Cajalco Road to six lanes between I-215 and I-15.

R-3-1b

Comments on the Recirculated DEIR/SDEIS

After reviewing the recirculated DEIR/SDEIS, the document does not adequately identify nor assess the full impacts of the MCP project on the City of Riverside. Additional information is needed before a complete analysis can be made. As such, City staff offers the following comments and concerns for your review and consideration:

R-3-1c

- The DEIR/SDEIS indicates that the 2040 traffic volumes on I-215 are projected to be lower than those projected for 2020; however the cause of the reduction in traffic volumes is unclear. The DEIR/SDEIS needs to include an explanation as to the cause of the reduction in traffic volumes.
- The DEIR/SDEIS assumes that Cajalco Road between I-215 and I-15 will be improved from two lanes to four lanes by 2020, and improved to six lanes by 2040. As such, the project's impacts are based on these improvements being completed by the respective target years. While the project proposes to construct one new lane in each direction on I-215 between Nuevo Road and Van Buren Boulevard, it does not offer any improvements to Cajalco Road in the event that the anticipated improvements are not completed by the target years. The DEIR/SDEIS needs to adequately analyze the impacts associated with not improving Cajalco Road and propose mitigation as necessary.
- The DEIR/DSEIS analyzed the following intersections in the City of Riverside:
 - I-215/Alessandro Boulevard
 - I-215/Van Buren Boulevard
 - Alessandro Boulevard/Sycamore Canyon Boulevard
 - Van Buren / Meridian Parkway

R-3-2


R-3-3

The DEIR/DSEIS concluded that none of the project alternatives will directly cause any of the studied intersection to operate at LOS F at project build out and, therefore, no mitigation is required for these intersections. However the project will, nonetheless, have cumulative impacts to the intersections and, therefore, the DEIR/SDEIS needs to include a fair-share analysis of the cumulative impacts and propose mitigation as necessary.

- The DEIR/DSEIS does not analyze the traffic impacts of the project to the freeway interchanges at SR-60/I-215 and SR-60/SR-91/I-215. The DEIR/SDEIS needs to adequately analyze the impacts to these interchanges and propose mitigation as necessary. R-3-4
- During the construction phase of the project, there will be a significant increase in truck traffic on Cajalco Road between I-215 and I-15, as well as on I-215 between the SR-74 and the SR-60. However, the DEIR/DSEIS does not analyze the potential for cut-through truck traffic through the City of Riverside on Van Buren Boulevard and Alessandro Boulevard to avoid freeway congestion on SR-60 and SR-91. The DEIR/SDEIS needs to adequately analyze the impacts to these thoroughfares and propose mitigation as necessary. R-3-5
- The DEIR/SDEIS indicates that a final Traffic Management Plan (TMP) to address impacts during construction will be complete as part of the project. The TMP will be completed in coordination with the cities of Perris and San Jacinto, as well as the County of Riverside. The City of Riverside would like to be included as part of the coordination team in completing the final TMP. R-3-6

City staff appreciates your continued collaboration and looks forward to continue working with the RCTC and its staff. Please forward copies of all revised plans, staff reports, and environmental documents, as they pertain to this project for review. Should you have any questions regarding this letter, please contact Gus Gonzalez, Associate Planner, at (951) 826-5277 or by e-mail at ggonzalez@riversideca.gov. R-3-7

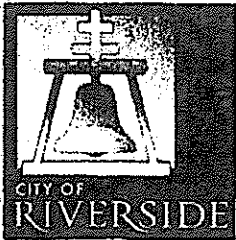
Sincerely,



Steve Hayes, AICP
City Planner

(Enclosures)

cc: William "Rusty" Bailey III, Mayor
Riverside City Council Members
Scott Barber, City Manager
Deanna Lorson, Assistant City Manager
Kristi Smith, Supervising Deputy City Attorney
Tom Boyd, Public Works Director/City Engineer
Steve Libring, City Traffic Engineer
Al Zelinka, Community Development Director
Emilio Ramirez, Community Development Deputy Director
Juan C. Perez, Director of Transportation, Riverside County Department of Transportation,
4080 Lemon Street, Riverside, CA 92502-1629



Community Development
Department
Planning Division

RECEIVED
APR 02 2013

RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

June 10, 2009

Bob Magee, Chairman
Riverside County Transportation Commission
4080 Lemon Street, Third Floor
Riverside, CA 92502-2208

**SUBJECT: OPPOSITION TO RIVERSIDE COUNTY TRANSPORTATION
COMMISSION PROPOSAL TO REFOCUS MID-COUNTY PARKWAY
TO CONSTRUCT ONLY THE EASTERN SEGMENT BETWEEN I-215
AND SR-79**

Chairman Magee and Commissioners:

In response to RCTC staff's recommendation to withdraw the western segment of the MCP project, on June 9, 2009 the City Council voted unanimously to oppose the proposal to refocus the MCP project.

Background/Project History

In 2004, RCTC began the environmental review process for the MCP project through the issuance of a notice of preparation (NOP). The NOP identified eight alternatives to be studied and considered, with a ninth alternative added later as a result of ongoing consultation with public agencies and the result of completed engineering and environmental studies. Alternative 9 was subsequently selected as the locally preferred alternative in September 2007. More recently, in October 2008, RCTC released the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) outlining the MCP project's environmental impacts on the project area. To date, RCTC has committed significant financial resources for the study and completion of the MCP project.

Since the issuance of the initial notice of preparation in 2004, City staff has actively participated in the MCP project's development process, meeting on repeated occasions with RCTC staff as well as submitting formal comments in response to the release of various project-related documents. Given the proximity of the MCP project to the City and the potentially significant traffic-related impacts on the City, RCTC staff was invited to provide the Transportation Committee with an updated overview of the project. On December 16, 2008, the City Council declared its support for the MCP project noting its potential to provide an important east-west

corridor southerly of the City's limits and serve as a viable alternative to divert cut-through traffic from City streets. In addition, the City Council stated its strong desire to see the western segment of the MCP project constructed prior to the eastern segment and cautioned that long-overdue capacity improvements to the Interstate-15/State Route-91 interchange would be necessary to adequately accommodate the anticipated additional traffic caused by the MCP project. City staff provided additional comments to RCTC expressing concern that the document generally failed to adequately identify and assess the MCP project's full impacts on the City. Particular emphasis was placed on the traffic-related impacts likely to affect the City if the eastern segment of the MCP project was constructed prior to the western segment. In effect, City streets, most notably Alessandro Boulevard and Van Buren Boulevard, would serve as cut-through corridors for vehicles accessing Interstate-15 or State Route-91.

City's Opposition

On June 4, 2009, RCTC staff formally notified City staff of its recommendation to withdraw the western segment from the MCP project's scope, focusing only on construction of the eastern segment. In response to this change in project scope, the City Council, on June 9, 2009, by unanimous vote, declared its strong opposition to this proposal.

Construction of only the eastern segment of the MCP project will result in significant traffic-related impacts to the City. It was expected that construction of the entire MCP project would serve to divert cut through traffic from City streets by providing a more accessible connection to both Interstate-15 and State Route-91. With an expected increase in population throughout the area, levels of service on existing transportation corridors are projected to deteriorate substantially; the RCIP itself estimates that the State Route-60/Interstate-215 interchange alone will increase its number of vehicle trips from 170,000 to over 300,000 per day. Absent the western segment, traffic would continue to utilize City streets as connections and exacerbate existing conditions. In effect, the proposal now under consideration would do nothing to alleviate current – or future – traffic impacts to City streets, Interstate-15, or State Route-91. Greater focus should instead be placed on much needed capacity improvements that address present day concerns, rather than committing already limited resources to projects that address capacity for future needs in undeveloped areas. What is more, construction of the eastern segment would create a growth inducing impact for those communities to be served by its construction. More than providing a new transportation corridor, the eastern segment would enable the proliferation of piecemeal development further removed from employment centers, contributing directly to area-wide traffic congestion and increasingly worse levels of service.

The City's Circulation and Community Mobility Element of the General Plan 2025, as well as County of Riverside's General Plan, included in its traffic analysis the full construction of the MCP project. As noted previously, construction of the western segment was expected to divert cut-through traffic from City streets, particularly from Alessandro Boulevard and Van Buren Boulevard. With the proposal to withdraw the western segment, levels of service on Alessandro Boulevard and Van Buren Boulevard would deteriorate to unacceptable service levels. In addition, the growth and densities approved in the County's General Plan and in neighboring jurisdictions are unattainable absent the full implementation of the MCP project – one of the necessary mitigation measures for the General Plans. Moreover, the new Countywide Traffic

Model for Riverside County also includes the full MCP project.

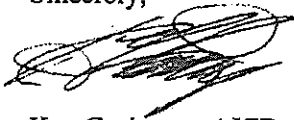
City's Recommendation

To allow for improved traffic conditions, the City Council urges RCTC:

- Commit to constructing the necessary improvements to Interstate-15 and the Interstate-15/State Route-91 interchange first;
- Improve Cajalco Road to six-lanes without precluding future improvements to an expressway or higher status;
- Delay construction of the MCP project east of Interstate-215 until the necessary improvements to Interstate-15 and the Interstate-15/State Route-91 interchange are underway;
- Delay any action refocusing the EIR/EIS for 90 days; and
- Work with neighboring jurisdictions to reduce planned development east of Interstate-215.

City staff appreciates your continued collaboration and looks forward to continue working with the RCTC and its staff. Please forward copies of all revised plans, staff reports, and environmental documents, as they pertain to this project for review. Should you have any questions regarding this letter, please contact Moises A. Lopez, Associate Planner, at (951) 826-5264 or by e-mail at mlopez@riversideca.gov.

Sincerely,

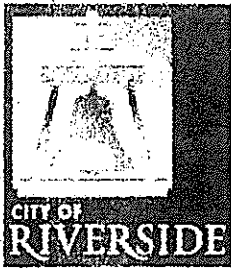


Ken Gutierrez, AICP
Planning Director

cc: Ronald Loveridge, Mayor
Riverside City Council Members
Brad Hudson, City Manager
Belinda Graham, Assistant City Manager
Tom DeSantis, Assistant City Manager
Scott Barber, Community Development Director
Siobhan Foster, Public Works Director
Tom Boyd, Deputy Public Works Director/City Engineer
Steve Libring, Traffic Engineer
Kristi Smith, Supervising Deputy City Attorney
Ron Goldman, Planning Director, Riverside County Planning Department, 4080 Lemon Street, 9th Floor, Riverside, CA 92502
Juan C. Perez, Director of Transportation, Riverside County Department of Transportation, 4080 Lemon Street, Riverside, CA 92502-1629

Tay Dam, Federal Highway Administration, 650 Capital Mall, Suite 4-100, Sacramento,
CA 95814

Cathy Bechtel, Riverside County Transportation Commission, 4080 Lemon Street, Third
Floor, Riverside, CA 92502-2208



Office of the City Council

June 29, 2009

Ms. Anne Mayer
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
PO Box 12008
Riverside, CA 92502-2208

Dear Ms. Mayer:

I appreciate everyone taking the time to meet with the City regarding our concerns with the re-focusing of the Mid-County Parkway (MCP) study. The City's major concern is that the re-focusing of the MCP study does not mean that the MCP between 15 and 215 freeways is not going to be constructed in the future. The action to re-focus the MCP should be considered part of a long term plan to complete the parkway between SR 79 and the 15 freeways and for the County as a whole to focus short term efforts on improving Cajalco, between the 15 and 215 freeways and the easterly segment of the MCP.

In general, the City of Riverside will support the proposal outlined in your letter of June 15th under the following principles:

1. The City of Riverside will support RCTC's proposal to prioritize funding for the environmental review to widen Cajalco Road between the 15 and 215 freeways. The widening of Cajalco should ultimately include:
 - a. 6-lanes between I-15 and Lake Mathews
 - b. 4-lanes south of Lake Mathews (future expansion to 6-lanes) ; and,
 - c. 6-lanes between El Sobrante and I-215
2. The City of Riverside also supports preparation of a phasing plan for the MCP east of the 215 freeway and for Cajalco Road between the 15 and 215 freeways as outlined in your June 15th letter. The critically important points are:
 - a. The improvements on the 91 and 15 freeways must be a top priority and must be built at least concurrently with the MCP and Cajalco Road improvements;
 - b. There must be equity in the funding and capacity improvements on MCP east of the 215 freeway and on Cajalco Road between the 15 and 215 freeways;

3. Should the County be unable to environmentally clear the Cajaleo Road improvements by 2013, RCTC will re-start the westerly segment of the MCP; and.
4. Circulation between the 15, 215 and 60/215 freeways should be a priority for RCTC to fund under the Measure Arterial highway Program or through other funding sources once the economy improves. The program should give priority to arterials such as: Van Buren, M.L.K., Arlington, Overlook Parkway, Washington, Madison, and similar transportation corridors.

If you have any questions, please contact me at 826-5991

Sincerely,



Steve Adams
Councilmember, Ward 7

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PERRIS)

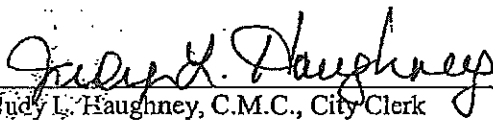
I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO
HEREBY CERTIFY that the foregoing Resolution Number 4428 was duly and regularly
adopted by the City Council of the City of Perris at a regular meeting held the 28th day of
June, 2011, by the following called vote:

AYES: EVANS, ROGERS, YARBROUGH, LANDERS, BUSCH

NOES:

ABSENT:

ABSTAIN:


Judy L. Haughney, C.M.C., City Clerk

This comment letter includes supporting information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

R-3-1a

These are introductory comments that briefly describe some of the history of the MCP project. These comments do not raise any environmental issues such that a written response would be necessary under Section 15088 of the California Environmental Quality Act (CEQA) Guidelines. No further response is necessary.

R-3-1b

The City of Riverside's past participation in the MCP project development process, including discussions regarding the traffic analysis is appreciated. Key meetings in which the City, RCTC, and RCTC's consultants participated regarding the traffic analysis are summarized in Table R.3.1.

Table R.3.1 Summary of Meetings with the City of Riverside

Meeting Dates and Attendees	Topics of Discussion	General Conclusions
11/24/09 RCTC City of Riverside Jacobs Engineering VRPA Technologies Iteris	<u>Socioeconomic Forecasts:</u> This meeting was held based on concerns the City raised regarding the socioeconomic forecasts for jurisdictions, including the City, in the traffic analysis study area.	Initial discussion of socioeconomic forecasts and agreement between City and RCTC to work together.
12/10/09 RCTC City of Riverside Jacobs Engineering VRPA Technologies Iteris	<u>Methodology Traffic Analysis Memorandum:</u> This meeting was held based on concerns the City raised regarding the methodology for the traffic impact analysis study.	City request for Opening Year and phasing analyses.

¹ Section 15088(a) of the CEQA Guidelines notes that "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response." As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

Table R.3.1 Summary of Meetings with the City of Riverside

Meeting Dates and Attendees	Topics of Discussion	General Conclusions
1/21/10 RCTC City of Riverside Jacobs Engineering VRPA Technologies Iteris	<u>Revised Traffic Analysis Methodology Memorandum:</u> This was a follow-up meeting held to review the revised methodology for the traffic impact analysis report with the City.	City approval of methodology and agreement between the City and RCTC to work together on roadway network details in a letter from the City to RCTC dated April 10, 2010.
1/28/10 RCTC City of Riverside Jacobs Engineering VRPA Technologies Iteris	<u>Socioeconomic Forecasts:</u> This was a follow-up meeting held to review the socioeconomic forecasts for the traffic analysis with the City.	SCAG approval of methodology for (conference call which included SCAG) socioeconomic forecasts.
2/13/12 RCTC City of Riverside SCAG Jacobs Engineering VRPA Technologies Iteris	<u>Traffic Technical Report:</u> This meeting was held at RCTC's request to review the traffic analysis report with the City to ensure that the report addressed the City's concerns regarding the socioeconomic forecasts and the traffic analysis methodology.	City has no major problem with report, but will continue to review.

RCTC = Riverside County Transportation Commission

SCAG = Southern California Association of Governments

While RCTC acknowledges the City's concerns regarding impacts that may occur if the previously proposed segment of MCP between Interstate 15 (I-15) and Interstate 215 (I-215) is not built (as noted in the City's letters to RCTC dated June 10, 2009 and June 29, 2009, attached to the March 29, 2013 comment letter on the Recirculated Draft EIR/Supplemental Draft EIS), the detailed traffic impact analysis included in Section 3.6.3.1, Permanent Impacts, starting on page 3.6-23 in the Final EIR/EIS concluded that there are no locations in the street system in which the project would cause an adverse traffic impact. Refer also to the subsection titled "XV. Transportation Traffic" in Chapter 4, California Environmental Quality Act Evaluation. That analysis also concluded that the potential effects of the MCP project on the circulation system, including local streets, would be less than significant after mitigation under CEQA.

It should be noted that one of the projects that the City requested be completed before the MCP (I-15/State Route 91 [SR-91] interchange) is now under construction and will be open to traffic by 2018.

R-3-1c

This comment begins with a summary statement regarding inadequate analysis of the potential effects of the project on the City of Riverside. Comments R-3-1c through R-3-6 provide detailed comments regarding those concerns that are addressed in the following sections.

This comment correctly notes that there are a number of locations along I-215 where the traffic forecasts for 2020 are higher than the traffic forecasts for the same locations in 2040. For example, comparison of Tables 3.6.G and 3.6.J, on pages 3.6-27 and 3.6-35, respectively, in Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities, in the Final EIR/EIS, indicates the traffic forecasts on the northbound I-215 mainline at the Cajalco Road/Ramona Expressway northbound off-ramp diverge are higher in the 2020 Build condition than in 2040 for Alternative 4 Modified. The a.m. peak-hour forecast for this movement is 6,993 vehicles in 2020 and 5,672 vehicles in 2040. The p.m. peak-hour value for this movement is 6,422 vehicles in 2020 and 5,149 vehicles in 2040. Additional comparisons of 2020 and 2040 traffic volumes can be made in the tables referenced above and a number of figures in the *Traffic Technical Report* (February 2012) (Figures 6-4, 6-5, 6-7, 6-8, 6-13, 6-14, 6-17, 6-18, 7-4, 7-5, 7-20, 7-23, 7-34, 7-37, 7-48, and 7-51). The reason some 2020 traffic forecasts are higher than the 2040 forecasts for the corresponding movements is because there are expected to be road network improvements in place in 2040 that would not be in place in 2020. As a result, traffic patterns will change and trips that would have been made along I-215 in 2020 would be expected to use different travel routes in 2040. In the absence of changes in the road network between 2020 and 2040, the 2040 traffic volumes on I-215 would be expected to be higher than the 2020 traffic volumes because growth in population and jobs is forecasted to occur in this part of Riverside County between 2020 and 2040 (refer to Section 3.2.2.1, Riverside County, in Section 3.2, Growth, on page 3.2-1 in the Final EIR/EIS for discussion of growth projections).

There are several specific examples in which approved and planned road and circulation system improvements will occur in western Riverside County that would be expected to result in changes in both traffic patterns and volumes. Those include:

- **State Route 79 (SR-79):** SR-79, which is parallel to I-215, is expected to be improved from a four-lane expressway to a four-lane freeway between 2020 and 2040.
- **Cajalco Road:** Cajalco Road between I-15 and I-215 is expected to be widened from four to six lanes between 2020 and 2040.

Section 3.6.2.1, Baseline Traffic Conditions, starting on page 3.6-7 in Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities, in the Final EIR/EIS, and Tables 2-1 and 2-4 in the *Traffic Technical Report* document future road improvements expected to occur in the study area by 2020 and 2040. Because all of these future road improvements are included in the financially constrained highways element of the adopted 2012 RTP, it is reasonable to assume that these improvements will be in place by the time the MCP project is operational.

R-3-2

This comment requests that the traffic analysis analyze a scenario in which Cajalco Road is not improved between I-215 and I-15. Pages 3.6-7 and 3.6-8 in the Final EIR/EIS describe the baseline conditions used in the traffic analysis for the MCP project. Tables 2-1 and 2-4 in the *Traffic Technical Report* (February 2012) provide additional background information regarding those baseline conditions. Future road improvements for 2020 and 2040 were based on the Southern California Association of Governments (SCAG) 2008 Regional Transportation Plan (RTP). The following process was used to analyze the future status of Cajalco Road between I-15 and I-215:

- For 2020 conditions, the analysis relied on the SCAG 2008 RTP, which indicates that Cajalco Road will be widened from two lanes to four lanes between I-15 to I-215 by 2020. This is documented in project identifications (IDs) in Amendment No. 2 of the RTP: IDs 3A04WT137A, 3A04WT137B, 3A04WT138A, 3A04WT138B, and 3A04WT138C. In addition to the documentation in the SCAG RTP, Riverside County has issued a Notice of Preparation for an environmental document for the Cajalco Road widening project (SCH 2011091015, September 6, 2011). Therefore, it was assumed that Cajalco Road would be widened to four lanes in the 2020 MCP traffic analysis, as a reasonably foreseeable project.
- For 2040 conditions, the SCAG RTP indicates construction of a new east-west transportation corridor in the area between I-15 and I-215 and between Lake Mathews and SR-74 by 2035 which is documented as Project ID No. 3C01MA01 in Amendment No. 2 of the RTP. The level of improvement and the exact alignment of this corridor are not specified in the RTP. While it is possible that a new freeway would be built in this corridor by 2035, the more conservative assumption is that a lesser facility would be provided along an existing alignment by 2035. Therefore, it was assumed that the east-west transportation corridor indicated in the SCAG RTP would be the widening of Cajalco Road from four to six lanes. As a result, it was assumed that Cajalco Road would be widened to six lanes in the 2040 MCP traffic analysis.

Whenever future transportation scenarios are being analyzed, the adopted RTP that is current at the time of the analysis is considered to be the primary basis for the determination of future road conditions. This is because the traffic modeling for the RTP and the regional transportation model inputs include both existing transportation facilities and future transportation facilities included in the RTP. Because of the RTP's critical linkage to the State Implementation Plan (SIP) for air quality conformity (i.e., for each RTP, Federal Highway Administration [FHWA] and Federal Transit Administration [FTA] must adopt a finding that the RTP is consistent with the SIP), it is reasonable to assume that the projects included in the RTP will be constructed so that SCAG can continue to demonstrate progress toward meeting attainment of the federal air quality standards. Therefore, the scenarios described above are considered to provide the most appropriate future No Build conditions for the MCP project traffic study.

R-3-3

As discussed in the fifth paragraph in Section 3.6.2, Affected Environment, on page 3.6-7, in the Final EIR/EIS, for intersections, "...the project's traffic contribution would be considered to have an impact if all of the following are true:

- Level of Service (LOS) F traffic conditions are expected with the project.
- The traffic increase caused by the project is 2 percent or more of the traffic entering the intersection in the a.m. or p.m. peak hours.
- The traffic increase caused by the project is 2 percent or more of the traffic entering the intersection based on Average Daily Traffic (ADT) conditions."

The second bullet point in the subsection titled "Project Opening Year (2020)" on page 3.6-25 in the Final EIR/EIS addresses the potential effects of the MCP project under the 2020 Build condition. At the intersection of Alessandro Boulevard/ Sycamore Canyon Boulevard/Meridian Parkway, LOS F conditions are expected in the p.m. peak hour with the MCP project. However, traffic levels would not be two percent higher in the Build condition than in the No Build condition. For the other intersections mentioned in this comment, satisfactory LOS are expected in the 2020 Build condition.

The fifth bullet point in the subsection titled "2040 Horizon Year Conditions" on page 3.6-47 in the Final EIR/EIS addresses the potential effects of the Build Alternatives on the intersection of Van Buren Boulevard and Meridian Parkway and concludes that the traffic increases caused by the project are less than two percent of

the total traffic volumes at that intersection under the Build Alternatives compared to the No Build Alternative in 2040.

The following were inserted after the existing bullet points in the subsection titled “2040 Horizon Year Conditions” to address the potential project effects at the other intersections cited in this comment, starting on page 3.6-48 in the Final EIR/EIS:

- “ • At the intersection of Alessandro Boulevard and the I-215 southbound ramps under Alternative 4 Modified and Alternative 5 Modified, LOS F conditions are expected in the p.m. peak hour. However, p.m. peak-hour volumes are expected to decrease with the MCP project as compared to the No Build condition. For Alternative 9 Modified, LOS F conditions are expected in both the a.m. and p.m. hours. There is not a two percent or higher increase in traffic at this intersection with the addition of the MCP project as compared to the No Build Alternative.
- At the intersection of Alessandro Boulevard and the I-215 northbound ramps with Alternative 4 Modified and Alternative 5 Modified, LOS F conditions are expected in the p.m. peak hour. However, p.m. peak-hour volumes are expected to decrease with the MCP project as compared to the No Build condition. For Alternative 9 Modified, LOS F conditions are expected in both the a.m. and p.m. peak hours. There is not a two percent or higher increase in traffic at this intersection with the addition of the MCP project as compared to the No Build Alternative.
- The LOS at the intersections of Van Buren Boulevard with the I-215 southbound and northbound ramps are expected to be satisfactory for 2040 Build conditions with Alternative 4 Modified, Alternative 5 Modified, and Alternative 9 Modified.
- At the intersection of Alessandro Boulevard/Sycamore Canyon Road/Meridian Parkway, with Alternative 4 Modified and Alternative 5 Modified, LOS F conditions are expected in both the a.m. and p.m. peak hours. However, a.m. and p.m. peak-hour volumes are expected to decrease with the MCP project as compared to the No Build condition. For Alternative 9 Modified, LOS F conditions are expected in both the a.m. and p.m. peak hours. There is not a two percent or higher increase in traffic with the addition of the MCP project as compared to the No Build Alternative.
- For all the locations described above, project-related direct and cumulative traffic impacts are not considered adverse. In the case of direct impacts, the project traffic impacts are not adverse because the project traffic by itself would not cause LOS F conditions. In the case of cumulative impacts, a traffic increase of less than two percent is not considered adverse. If the project were to increase traffic by

more than two percent, identification of mitigation measures and an analysis of fair share contribution by the project would be appropriate.”

In summary, the Build Alternatives would not result in adverse effects at these intersections and, therefore, no fair-share payments for improvements to these interchanges are required under the Build Alternatives. As noted earlier in the response to comment R-3-1c, the potential effects of the MCP Build Alternatives on the circulation system, including local streets and intersections, would be less than significant after mitigation under CEQA.

R-3-4

The fifth paragraph in Section 3.6.2, Affected Environment, on page 3.6-7 in the Final EIR/EIS describes the criteria that were used to determine the effects of the MCP on freeway facilities including the State Route 60 (SR-60)/I-215 and SR-60/SR-91/I-215 interchanges cited in this comment. The analysis of the project effects on I-215 is provided in the subsection titled “I-215” on page 3.6-11; the subsection titled “Intersections” on page 3.6-15; and the subsection titled “2040 Horizon Year Conditions” on page 3.6-47. Section 3.6.3, Environmental Consequences, starting on page 3.6-23 in the Final EIR/EIS, includes a detailed analysis of I-215 from Nuevo Road to Alessandro Boulevard. In the area north of Van Buren Boulevard, LOS F conditions are expected on I-215 for 2020 and 2040 conditions, but the level of traffic increase caused by the MCP project is less than 723 vehicles per hour. Therefore, there would be no adverse impact to the SR-60/I-215 and SR-60/SR-91/I-215 interchanges because they are north of the I-215/Van Buren Boulevard interchange and would have a smaller level of traffic contributed by the project. Tables 3.6.G and 3.6.J, on pages 3.6-26 and 3.6-35, respectively, in Section 3.6.3 in the Final EIR/EIS, document this analysis. For example, Table 3.6.J indicates that the southbound I-215 mainline at the Alessandro Boulevard off-ramp diverge has a p.m. peak-hour traffic level of 8,130 vehicles per hour. The 2040 p.m. peak-hour MCP project traffic levels for this location are 8,577 vehicles under Alternative 4 Modified, 8,628 vehicles under Alternative 5 Modified, and 8,516 vehicles under Alternative 9 Modified. The increases in traffic between No Build and Build conditions would not be considered significant under CEQA because the traffic increase caused by the project is less than 732 vehicles per hour. The value of 723 vehicles per hour used in this determination is based on the evaluation criteria discussed in Section 3.6.2; therefore, no mitigation is required. Similar comparisons can be made for other scenarios.

R-3-5

Analysis of construction traffic on area streets and freeways is provided in Section 3.6.3.2, Temporary Impacts, starting on page 3.6-53 in the Final EIR/EIS. The preparation and implementation of a Final Transportation Management Plan (TMP) during construction is included in the MCP project as Measure TR-1 to address the potential impact of increases in truck traffic on area streets and freeways during construction of the project.

The Project Report for the MCP project includes a Preliminary TMP which will be the basis for the Final TMP prepared during final design of the selected alternative. The Preliminary TMP for the MCP project identifies project features, including signage and other methods, to advise the traveling public about upcoming detours, closures, or lane restrictions (which are described briefly in Measure TR-1 in the Final EIR/EIS) to address specific short-term traffic impacts during construction of the project. The objectives of the Final TMP, based on the Preliminary TMP, are to:

- Maintain traffic safety during construction
- Effectively maintain an acceptable level of traffic flow throughout the transportation system during construction
- Minimize traffic delays and facilitate reduction of overall duration of construction activities
- Minimize detours and impacts to pedestrians and bicyclists
- Foster public awareness of the project and related impacts
- Achieve public acceptance of construction of the project and the Final TMP measures

The Final TMP will be developed in consultation with the applicable local jurisdictions including the City of Riverside. That consultation will include the identification of suitable travel routes for construction traffic, as well as identification of routes that the local jurisdictions do not want used for construction traffic. The Final TMP will include specific measures (notification to construction vehicle drivers, temporary access restrictions on certain roads, and signing, etc.) to ensure that the project construction-related traffic uses only the identified travel routes to avoid impacts on other routes through the local jurisdictions.

R-3-6

The second sentence in the second paragraph in Measure TR-1 on page 3.6-56 in the Final EIR/EIS was revised to read (changes shown in *italics*): “The Final TMP shall also be reviewed with the local jurisdictions (*Cities of San Jacinto, Perris, and*

Riverside, and the County of Riverside), which would or could experience short-term traffic impacts during project construction.”

R-3-7

The City of Riverside’s continued interest in and collaboration regarding the MCP project are appreciated. The following City Departments/staff were on the distribution list for the MCP environmental documents prior to the Final EIR/EIS, as listed in Section 7.3, Regional/County/City Agencies, in the Final EIR/EIS:

- City Council – City of Riverside (no updates needed)
- Scott Barber, Interim City Manager (revised in Section 7.3 to City Manager)
- City of Riverside Fire Department (no updates needed)
- Public Works, City of Riverside (no updates needed)
- City of Riverside Community Development Department (changed contact to Gus Gonzalez, Associate Planner)

The following two letters were provided with the March 29, 2014, comment letter from the City on the Recirculated Draft EIR/Supplemental Draft EIS:

- June 10, 2009, letter to Bob Magee, Chairman, RCTC, from Ken Gutierrez, Planning Director, City of Riverside, titled “Opposition to Riverside County Transportation Commission Proposal to Refocus Mid-County Parkway to Construct Only the Eastern Segment between I-215 and SR-79”
- June 29, 2009, letter to Ms. Anne Mayer, RCTC, from Steve Adams, Councilmember, City of Riverside, documenting the City’s support for the proposed shorter MCP project based on specific principles outlined in the letter

These letters did not provide comments on either the original 2008 Draft EIR/EIS or the 2013 Recirculated Draft EIR/Supplemental Draft EIS. The City’s March 29, 2014, comment letter on the Recirculated Draft EIR/Supplemental Draft EIS did not request that these letters be considered comments on the Recirculated Draft EIR/Supplemental Draft EIS. As a result, no responses to the information in those letters are provided. However, attachments to the March 29, 2014, comment letter, the June 10, 2009, and June 29, 2009, letters are included in the Final EIR/EIS for the MCP project.

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From: MCP comments <projectteam@midcountyparkway.org>
Sent: Wednesday, April 10, 2013 10:42 AM
To: sbein@rbf.com; Carmen Lo
Subject: Mid County Parkway Project: New Feedback - ID# 1325

R-4

From Arlene Chun abchun@rcflood.org

Phone:

Address:

City, State:

Zip: 92501

Parcel:

Comments:

Thank you for the opportunity to comment on the Mid County Parkway RDEIR/SDEIS. The hard copy/wet-signed form of the comments below are following via USPS.

Ms. Cathy Bechtel

Riverside County Transportation Commission Post Office Box 12008 Riverside, CA 92502

Dear Ms. Bechtel:

This letter is written in response to the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Mid County Parkway (MCP). The proposed project consists of the construction of a roadway from Interstate 215 on the west to State Route 79 on the east. The proposed 16-mile roadway is designed to relieve local and regional traffic congestion between the cities of Perris and San Jacinto and surrounding Riverside County communities.

The District has the following comments/concerns that should be addressed in the Final EIR/EIS:

1. Existing District facilities are located within the proposed project area and may be impacted. Any work that involves District right-of-way, easements or facilities will require an encroachment permit and/or cooperative agreement from the District. The construction of facilities within road right-of-way that may impact District storm drains should also be coordinated with us. To obtain further information on encroachment permits or existing facilities, contact Ed Lotz of the District's Encroachment Permit Section at 951.955.1266. R-4-1
 2. The District is a signatory to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). For purposes of procuring an encroachment permit from the District, the permit applicant will need to demonstrate that the portion of the project located within District rights-of-way, easements or facilities are consistent with the MSHCP. The MSHCP consistency report/analysis should address, at a minimum, Sections 3.2, 3.2.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.5.3 and Appendix C of the MSHCP. In addition, Perris Valley Channel is currently designated as Public/Quasi Public (P/QP) lands in the MSHCP and impacts to P/QP lands should be addressed in the Final EIR/EIS. R-4-2
 3. The proposed project may impact jurisdictional areas regulated by the U.S. Army Corps of Engineers, the Regional Water Quality Control Board and the California Department of Fish and Wildlife under Sections 404 and 401 of the Federal Clean Water Act, the California Porter-Cologne Water Quality Act and Section 1600 of the California Fish and Game Code. The applicant will be responsible for obtaining all regulatory permits associated with any regulated impacts involving District right-of-way, easements, or facilities. Along with construction, regulatory permits should include provisions for the long-term operation and maintenance of the drainage facilities and appurtenant structures such as abutments, pilings and adjacent bank stabilization. Authorization should be pursued to perform routine flood control maintenance of bridges, culverts and selected channels that would include mechanical clearing of debris, sediment and/or vegetation to prevent flooding of adjacent road ways or buildings. Copies of the draft permits should also be submitted to the District for review. R-4-3
- R-4-4
- R-4-5

4. The Conceptual Mitigation Plan shown in Appendix P of the RDEIR/SDEIS proposes some mitigation areas within District's existing right-of-way. The Final EIR/EIS should evaluate the potential impacts to flood control related issues associated with the existing right-of-way. Any project that involves District right-of-way, easements, or facilities should be closely coordinated with the District. Please coordinate with Zully Smith of the District's Operations and Maintenance Division at 951.955.1280.

R-4-6

5. In addition to the Perris Valley and San Jacinto River Master Drainage Plans (MDPs), the proposed project is also located within the District's Lakeview/Nuevo, Northwest Hemet, and San Jacinto MDPs. When fully implemented, these MDP facilities will provide flood protection to relieve those areas within the plan of the most serious flooding problems and will provide adequate drainage outlets. An exhibit outlining the MDP proposed facilities and possible impacts on these facilities, should be included in the Final EIR/EIS. To obtain further information on the MDPs and proposed District facilities, please contact Edwin Quinonez of the District's Planning Section at 951.955.1345.

R-4-7

6. Aside from FEMA mapped floodplains, the RDEIR/SDEIS does not appear to include information regarding runoff from smaller watersheds or flooding from unmapped floodplains. The proposed project will be crossing many watercourses that are not identified as mapped floodplains. For example, under current conditions, sheet flow runoff inundates the Ramona Expressway in the community of Lakeview. Thus, to protect the road, it is likely the storm runoff has to be diverted and/or concentrated either by elevating the roadbed and/or by providing culvert/bridge crossings needed for the passage of storm runoff. The Final EIR/EIS should show how the MCP will be protected from storm runoff at various locations through all reaches of the project. A drainage study should be conducted for the entire length of the MCP that identifies each location where crossings or drainage improvements will be needed. Once crossing locations are identified, the Final EIR/EIS should identify the potential onsite and offsite impacts and how these impacts will be addressed.

R-4-8

Thank you for the opportunity to comment on the RDEIR/SDEIS. Please forward any subsequent environmental documents regarding the project to my attention at this office. Any further questions concerning this letter may be referred to Arlene Chun at 951.955.5418 or me at 951.955.1233.

Very truly yours,
MIKE WONG
Engineering Project Manager
Riverside County Flood Control
and Water Conservation District
1995 Market Street
Riverside, CA 92501

This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

R-4-1

Table S.2 on page ES-67 and Table 2.7.A on page 2-124 in the Final EIR/EIS acknowledge that encroachment permits would be required from the Riverside County Flood Control and Water Conservation District (District) if a Build Alternative is selected for implementation. The entries in those tables for the District were modified as shown below to more clearly describe the potential permits/approvals needed from the District for the project (changes are shown in *italics*):

Tables S.2 and 2.7.A (Revised) Permits and Approvals Needed

Agency	Permit/Approval	Status/Timeline
Riverside County Flood Control and Water Conservation District	Encroachment permits <i>and/or cooperative agreements</i> for improvements <i>in District rights of way or easements, or affecting</i> District facilities	Application(s) to be submitted prior to construction

R-4-2

The Riverside County Transportation Commission (RCTC) is the Permittee for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) for the MCP project. Please refer to Section S.5.1, Master Response Related to the Western Riverside County Multiple Species Habitat Conservation Plan, on page S-6, for discussion regarding the requirements of the Western Riverside County MSHCP applicable to the MCP project and how the MCP project was determined to be consistent with the Western Riverside County MSHCP. Information that formed the

¹ Section 15088(a) of the CEQA Guidelines notes that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

basis of the consistency determination is discussed starting on page 3.17-1 in Section 3.17, Natural Communities, in the Final EIR/EIS. The Regional Conservation Agency's Joint Project Review and the *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* are provided in Appendix T of this Final EIR/EIS.

R-4-3

The Perris Valley Storm Drain is labeled as Public/Quasi-Public (PQP) Lands, as shown on Figure 3.17.1 on page 3.17-5 in the Final EIR/EIS. Table 3.17.J, Impacts to Western Riverside County MSHCP Public/Quasi-Public Lands (acres), on page 3.17-52 in the Final EIR/Final EIS. The land cover category for the Perris Valley Storm Drain is primarily considered ruderal due to the on-going maintenance in that channel. Therefore, as shown on Sheets 9, 10, and 11 on the Figures titled "Composite Project Footprint and Land Cover" in Appendix E in the *Supplemental Natural Environment Study*, this land cover is labeled "130 Developed/Ruderal."

R-4-4

RCTC will obtain all required regulatory permits and approvals for the MCP project. Please refer to Tables S.2 and 2.7.A in the Final EIR/EIS for a list of the required permits and approvals for the MCP project. Those tables include the required approvals from the District described above in the response to comment R-4-1 which shows modifications made to these tables regarding potential permits/approvals needed from the District. Application(s) for any such encroachment permits and/or cooperative agreements will be submitted prior to any construction affecting District facilities or within District rights of way or easements.

Please refer also to Measure WET-4 in Section 3.18.4, Avoidance, Minimization, and Mitigation Measures, on page 3.18-48 in Section 3.18, Wetlands and Other Waters, in the Final EIR/EIS, which describes required permits RCTC will obtain for the MCP from the United States Fish and Wildlife Service (USFWS), the California Department of Fish and Wildlife (CDFW), and the Regional Water Quality Control Board (RWQCB).

The permits and approvals for the MCP project from these agencies may include requirements regarding long-term maintenance. The facility owner/operator will comply with any maintenance requirements included in those permits and approvals for the MCP project. The ownership and responsibility for long-term operation and maintenance of the MCP project has not been determined. The owner/operator of the MCP highway is anticipated to be the California Department of Transportation (Caltrans) if the facility is a state highway or the County of Riverside, if the facility is

not a state highway. Regardless, appropriate maintenance including maintenance of bridges, culverts, and channels in the permanent right of way for the MCP project will be conducted by the facility owner/operator as required in any permits and approvals for the MCP project.

R-4-5

As noted in response to comment R-4-4, above, the MCP project will require approvals from the District for encroachment permits and/or cooperative agreements for improvements potentially affecting District facilities. Application(s) for any such encroachment permits and/or cooperative agreements will be submitted prior to any construction affecting District facilities or within District rights of way or easements. In addition, as specified in Measure FP-1 on page 3.9-28 in Section 3.9.4, Avoidance, Minimization, and Mitigation Measures, in the Final EIR/EIS, the applications for a Conditional Letter of Map Revision and Letter of Map Revisions will be processed through the District.

Although the District does not have jurisdiction related to the permits and approvals needed for the MCP project from the USACE, the CDFW, and the RWQCB, copies of those permit applications will be provided to the District as a courtesy for information purposes during the permitting process for the MCP project with those resource agencies.

R-4-6

The Conceptual Mitigation Plan which was provided in Appendix P in the Recirculated Draft EIR/Supplemental Draft EIS has been replaced in Appendix P in this Final EIR/EIS with the Habitat Mitigation and Monitoring Plan (HMMP) for USACE Jurisdictional Waters (note updated name for clarification to distinguish between this and the future HMMP for MSHCP Consistency purposes). The HMMP for USACE Jurisdictional Waters discusses three mitigation sites, one which is referred to as the Sanderson Avenue mitigation site. That site is within a parcel and the project footprint of Phase 4 of the District's proposed San Jacinto River Levee Project. RCTC staff and the MCP project consultant team met with District staff and the San Jacinto River Levee consultant team at the District office on October 16, 2014. As a result of that meeting, the Sanderson Avenue mitigation site was redesigned to avoid conflicts with the levee project, which is reflected in the HMMP for USACE Jurisdictional Waters in Appendix P.

R-4-7

The process used to evaluate the alternatives and identify the preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred

Alternative, on page 2-98 in the Final EIR/EIS. As discussed in Section 2.5.5, Alternative 9 Modified with the San Jacinto River Bridge Design Variation (SJRBDV) was identified as the preferred alternative. As described in Chapter 2 in the Final EIR/EIS, Alternative 9 Modified (the preferred alternative) includes drainage improvements necessary to construct and support the operation of the project. As noted in this section, these improvements will be constructed consistent with the Master Drainage Plan (MDP) for the San Jacinto River Basin or other applicable MDPs.

During the preparation of the conceptual designs for the MCP Build Alternatives, local MDPs for the jurisdictions crossed by the MCP alignments were obtained by the project design team. The appropriate features and components of those MDPs were incorporated in the development of on- and off-site drainage concepts for the Build Alternatives. The conceptual design includes protecting existing culverts in place or extending culverts where they are crossed by the corridor alignment. Several new culverts, proposed in the existing MDPs, were also included as part of drainage improvements for the MCP Build Alternatives. The number of new culverts and existing culverts to be extended, removed, or protected in place for each MCP Build Alternative is summarized in Table 2.3.F on page 2-55 in the Final EIR/EIS. The locations for the culverts are shown on maps provided in Attachment E in Appendix I, Supplemental Chapter 2 Attachments, in the Final EIR/EIS.

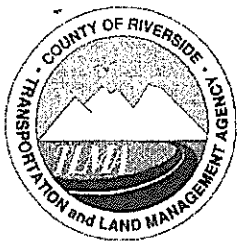
Those culverts will allow off-site runoff to maintain existing flow patterns and to allow local drainage to be connected locally. On-site systems within the MCP right of way are proposed to drain to detention basins before out-flowing to the off-site culverts. The results of the development of the drainage concepts for the Build Alternatives are provided in the *Preliminary Drainage Report* (March 30, 2011).

R-4-8

The *Preliminary Drainage Report* (March 30, 2011) documents the drainage improvement plan that will prevent local flooding in the MCP fill areas. As discussed in the subsection titled “Drainage Culverts” on page 2-55 in Chapter 2.0, Project Alternatives, in the Final EIR/EIS, culvert improvements have been proposed along the alignment of each MCP Build Alternative. Please refer also to Section 3.9.3, Environmental Consequences, in Section 3.9, Hydrology and Floodplains, in the Final EIR/EIS, which discusses the potential effects of the MCP Build Alternatives related to floodplain encroachments (page 3.9-10), risks to life and property (page 3.9-14), emergency response (page 3.9-23), natural and beneficial floodplain values (page 3.9-24), and significant encroachments (page 3.9-25). Measures to address the

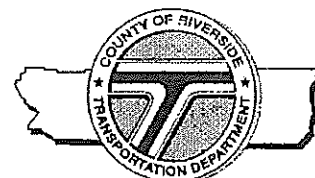
potential effects of the MCP Build Alternatives related to floodplains, hydrology, and water quality are provided in Sections 3.9; 3.10, Water Quality and Storm Water Runoff; and 3.18, Wetlands and Other Waters, in the Final EIR/EIS.

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COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY

Transportation Department



Juan C. Perez, P.E., T.E.
Director of Transportation

April 10, 2013

RECEIVED
APR 10 2013

R-5

Ms. Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92501

RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

RE: Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement and Revised Draft Section 4(F) Evaluation

Dear Ms. Bechtel,

I want to take the opportunity to commend the Riverside County Transportation Commission (RCTC) and its staff on reaching a significant achievement in completing the Recirculated Draft Environmental Impact Report (RDEIR) for the Mid-County Parkway (MCP). A regional transportation project of this size and scope involves a multitude of considerations of project impacts and benefits and coordination with many stakeholders in order to develop the best solution for the community. We appreciate RCTC's efforts and leadership in its pursuit of this key project.

The Riverside County Transportation Department (RCTD) recognizes one of the significant components of the MCP is the bridge structure over the San Jacinto River in the Lakeview Nuevo area. Under the three build alternatives of the RDEIR, the Base Case design proposes one bridge to span the entire San Jacinto River with a total length of approximately 4,321 feet. In a previous comment letter to RCTC, RCTD requested that the Commission considered the feasibility of a bridge with a shorter span while meeting hydrological and biological objectives of the project. We are pleased to find the RDEIR also considers a San Jacinto River Bridge Design Variation (SJRBDV). Rather than constructing a single bridge under the Base Case, the Design Variation would have the MCP project construct two bridges, a 531 foot bridge spanning Martin Street and a 1,941 foot bridge for a total of 2,472 feet of bridge spanning the San Jacinto River. As noted in the RDEIR, the SJRBDV would result in a reduction of cost of the MCP project by approximately \$34 million, a substantial savings. We request that RCTC sincerely consider the cost benefits of the Design Variation while meeting its project objectives. RCTD would like to thank RCTC heeding our request and studying a Design Variation that is both feasible and cost effective.

R-5-1

RCTD appreciates the opportunity to comment on the RDEIR. We support the MCP Project and look forward to assisting RCTC deliver this needed transportation improvement that is immensely beneficial to the traveling public of Riverside County.

↑
R-5-1

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Romo". The signature is fluid and cursive, with the first name "Patricia" written in a larger, more prominent script than the last name "Romo".

Patricia Romo
Assistant Director of Transportation

Cc: Juan C. Perez, Director of Transportation and Land Management
Farah Khorashadi, Engineering Division Manager
Scott Staley, Project Manager

R-5-1

The commenter's preference for the SJRB DV is noted. The process used to evaluate the alternatives and identify the preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. As discussed in Section 2.5.5, Alternative 9 Modified with the SJRB DV was identified as the preferred alternative.

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S.6.4 Tribal Governments Comments and Responses (TG-1)

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PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

Post Office, Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

TG-1

Chairperson:
Gennaine Arenas

Vice Chairperson:
Mary Bear Magee

Committee Members:
Eric Gerber
Darlene Miranda
Bridgett Barcello Maxwell
Aurelia Marnuffo
Richard B. Searce, III

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Anna Hoover

April 8, 2013

VIA E-MAIL and USPS

Ms. Cathy Bechtel
Riverside County Transportation Commission
P. O. Box 12008
Riverside, CA 92502

Re: Pechanga Tribe Comments on the Notice of Availability of a Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement for the Mid County Parkway Project

Dear Ms. Bechtel:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to continue to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). Please continue to notify the Tribe of all public hearings and scheduled approvals concerning this Project and incorporate these comments into the record of approval for this Project. The Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project's impacts to cultural resources and potential mitigation for such impacts.

TG-1-1

The Tribe appreciates the efforts the Riverside County Transportation Commission (RCTC), the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) has undertaken to identify, determine significance, consult and communicate with the Tribe on this Project. In general, the Tribe agrees with this Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (DEIR/SDEIS). We do have concerns, however, that the proposed mitigation measures are vague and unsupportive of tribal monitoring. We understand that a Memorandum of Agreement (MOA), Burial Treatment Agreement (BTA) and a Discovery and Monitoring Plan (DMP) will be developed for the Final EIR/EIS. However, we believe that the mitigation language in the environmental document should support this process more clearly so that the obligations of each agency is transparent. Additional suggested revisions are below.

TG-1-2

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

As RCTC is aware, the Project area is part of Luiseño, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), village/habitation areas and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as extensive history with both this Project and other projects within the area.

TG-1-3

The Pechanga Tribe has a specific legal and cultural interest in this Project as the Tribe is culturally affiliated with the geographic area, which comprises the Project property. The Tribe has specific knowledge of cultural resources and sacred places near the proposed Project. The Tribe has submitted in great detail information regarding cultural affiliation in previous comment letters for this Project. Please let us know if we can submit anything further regarding our territorial affiliation for this Project. Further, the Tribe welcomes the opportunity to meet with the RCTC, FHWA and Caltrans to further explain and provide documentation should this be desired.

PROJECT MITIGATION MEASURES

The Tribe believes that the proposed Mitigation Measures as posed in Chapter 3, Section 3.8.4 are not sufficient, given the sensitivity of the area, and do not provide enough guidance. We have suggested revisions to these measures below. We also recommend that the measures and procedures outlined in Appendix B: Revised Draft Section 4f Evaluation be used as a starting point to finalize the MOA, MDP and BTA which will need to be drafted in consultation with the Tribe. It is understood that the measures in Chapter 3 and in Appendix B will be revised and finalized prior to release of the FEIR/EIR. The Tribe requests to continue to participate in developing all appropriate measures as well as developing the MOA, MDP and BTA and to be signatories on these documents.

TG-1-4

CUL-1 Discovery of Cultural Material. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist and a tribal representative can assess the nature and significance of the find. All protocols regarding unanticipated discoveries will be addressed per the Memorandum of Understanding, Monitoring and Discovery Plan and if appropriate, the Burial Treatment Agreement.

CUL-2 Discovery of Human Remains. If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to Public Resources Code (PRC) Section 5097.98, if the remains are thought to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) who will

then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will notify the Qualified Archaeologist who will then contact the Riverside County Transportation Commission (RCTC) Project Manager and the Caltrans District 8 Environmental Branch Chief so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable and as outlined in the MOA and other appropriate documents.

CUL-3 Avoidance of Site 33-3653. During the final design, the RCTC's Project Engineer will designate the part of Site 33-3653 near the project Area of Potential Effects (APE) as an Environmentally Sensitive Area on the project construction plans. The boundary of that site near the APE will be mapped by the Project Archaeologist (to be retained by the RCTC Project Manager) and in consultation with the tribal representative/monitor for incorporation in the final design mapping. The Environmentally Sensitive Area for Site 33-3653 will not be shown as a cultural site on the final design plans to avoid unauthorized artifact collection or vandalism to the site. Prior to any ground-disturbing activities in the vicinity of Site 33-3653, RCTC's Project Engineer will require the Construction Contractor to provide fencing or flags around the boundary of the Environmentally Sensitive Area. The Project Archaeologist and a tribal monitor will monitor the installation of the fencing/flagging. The area in the project disturbance limits near or adjacent to the Environmentally Sensitive Area boundary will be monitored when construction in the MCP APE is adjacent to the site by the Project Archaeologist and a Native American monitor during all ground disturbing and construction activities in this area. The RCTC Project Engineer will require the Construction Contractor to maintain the fencing/flagging throughout the entire construction period in this area. The Project Archaeologist will monitor the condition of the fencing/flagging monthly and will report the need for any repairs to that material to the RCTC Project Engineer and the Construction Contractor. The fencing will be removed once grading activities in this area have been entirely completed and per any other requirements in the MOA or other applicable Caltrans protocol documents.

TG-1-4

CUL-4 Prior to beginning project construction, a Caltrans qualified archaeological monitor shall be retained to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation per the MOA and DMP.

CUL-5 At least 30 days prior to beginning project construction, the RCTC shall contact the Pechanga Tribe to notify the Tribe of grading, excavation and the monitoring program, and to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.

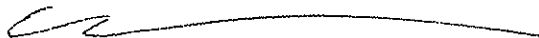
CUL-6 The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition as outlined in the MOA, DMP and BTA. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible. Cultural resources may be curated at a facility that meets or exceeds Part 79 standards. The Pechanga Tribe maintains and operates a curatorial facility that meets federal standards and will take all artifacts, excluding human remains, grave goods and sacred/ceremonial items at no charge.

TG-1-4

The Pechanga Tribe thanks you again for working with us on this Project and looks forward to continue working together with the RCTC, FHWA and Caltrans in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov to discuss any further outstanding issues. We look forward to developing the Memorandum of Agreement, Discovery and Monitoring Plan and Burial Treatment Agreement with you. Thank you.

TG-1-5

Sincerely,



Anna Hoover
Cultural Analyst

cc: Pechanga Office of the General Counsel

TG-1-1

Three representatives of the Pechanga Band of Luiseño Indians (Tribe) are included on the distribution list for the MCP project environmental process as shown on page 7-10 in Chapter 7, Distribution List, in the Final EIR/EIS. Therefore, as requested, the Tribe continued to receive all notices regarding the California Environmental Quality Act (CEQA) process for the project, through the Final EIR.

TG-1-2

Please note that the “Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project Riverside County, California” was executed by FHWA and the SHPO on October 30, 2014. The California Department of Transportation (Caltrans) and the Riverside County Transportation Commission (RCTC) were Invited Signatories to the MOA. The following Native American Tribes were Consulting Tribes to the MOA: the Agua Caliente Band of Cahuilla Indians, the Cahuilla Band of Indians, the Gabrieleno/Tongva San Gabriel Band of Mission Indians, the Gabrielino Tongva Nation, the Morongo Band of Mission Indians, the Pechanga Band of Luiseño Indians, the Ramona Band of Cahuilla, the San Manuel Band of Mission Indians, and the Soboba Band of Luiseno Indians.

The executed MOA is provided in Appendix U, Memorandum of Agreement, in this Final EIR/EIS. The MOA includes the following attachments:

Attachment A: 36 CFR Part 800.16 Definitions

Attachment B: Maps (Please note that these maps are not provided in the copy of the MOA in this Final EIR/EIS to protect the resources from accidental damage, vandalism, and unauthorized artifact collection.)

Attachment C: Cultural Landscape Study Annotated Outline

Attachment D: Discovery and Monitoring Plan

Please note that Attachment D includes the following four appendices:

Appendix A: Maps (Please note that these maps are not provided in the copy of the MOA in this Final EIR/EIS to protect the resources from accidental damage, vandalism, and unauthorized artifact collection.)

Appendix B: Confidential Department of Parks and Recreation 523 Forms (Please note that these forms are confidential and are not included in the copy of the MOA provided in Appendix U of this Final EIR/EIS.)

Appendix C: Confidential Native American Contact List (Please note that the Native American contact list is confidential and is not included in the copy of the MOA provided in Appendix U of this Final EIR/EIS.)

Appendix D: Burial Treatment Plan

Appendix E: SHPO Concurrence Letters

Appendix F: Native American Heritage Commission's Guidelines for Monitoring/Consultants Native American Cultural, Religions, and Burial Sites

This comment raises concerns regarding the level of detail in the mitigation measures included in the Build Alternatives as provided on page 3.8-25 in Section 3.8, Cultural Resources, in the Recirculated Draft EIR/Supplemental Draft EIS. Please refer to the responses to comments TG-1-4 and TG-1-5, below, for the responses to the Tribe's individual comments on those mitigation measures. Please refer also to the MOA provided in Appendix U, in this Final EIR/EIS, which includes specific treatment measures to address project effects on historic properties. Attachments to the MOA include the Burial Treatment Plan (BTP), the Discovery and Monitoring Plan (DMP), and the annotated outline of a cultural landscape study (mitigation study).

TG-1-3

This comment describes the Tribe's cultural affiliation to the project area, the Tribe's specific knowledge of cultural resources and sacred places in the project area, and the Tribe's offer to meet with RCTC, Caltrans, and FHWA to further discuss the issues in the comment letter or to provide additional documentation if needed. New Section 5.7.5, Memorandum of Agreement, starting on page 5-43 in Chapter 5, Comments and Coordination, in the Final EIR/EIS, describes the consultation process for the MOA and the measures included in the MOA to minimize the project effects on historic properties. As noted in the response to comment TG-1-2, above, the MOA is provided in Appendix U, in this Final EIR/EIS. The Tribe was involved in the development of the MOA, the DMP, the BTP, and the annotated outline for the cultural landscape study for the project, based on its cultural affiliation to, and knowledge about, the project area.

TG-1-4

The Recirculated Draft EIR/Supplemental Draft EIS included five measures to avoid, minimize, and/or mitigate effects of the MCP Build Alternatives on cultural resources (CUL-1, Discovery of Cultural Material; CUL-2, Discovery of Human Remains; CUL-3, Environmentally Sensitive Areas; CUL-4, Archaeological Monitor; and CUL-5, Cultural Resources Monitoring Agreement). Since the circulation of the Recirculated Draft EIR/Supplemental Draft EIS, the MOA described earlier in

Section 3.8.4 was executed by FHWA and the State Historic Preservation Officer. As a result, the stipulations in that MOA have superseded and replaced original Measures CUL-1 through CUL-5. Those stipulations are provided as Measures CUL-1 through CUL-7 starting on page 3.8-25 in Section 3.8, Cultural Resources, in the Final EIR/EIS.

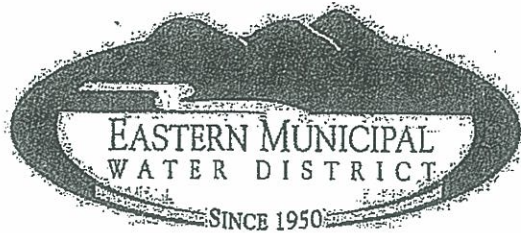
TG-1-5

RCTC and FHWA appreciate the Tribe's continuing work on this project. As noted in the response to comment TG-1-3, above, the Tribe was involved in the development of the MOA, the BTP, and the DMP.

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S.6.5 Special Districts/Utilities Comments and Responses (SDU-1)

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SDU-1

Board of Directors

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**Director of The
Metropolitan Water
District of So. Calif.**
Randy A. Record

**Board Secretary and
Assistant to the
General Manager**
Rosemarie V. Howard

Legal Counsel
Lemieux & O'Neill

April 4, 2013

Ms. Cathy Bechtel
Riverside County Transportation Commission
P.O. Box 12008
Riverside, CA 92502

**SUBJECT: Mid County Parkway Project
Notice of Availability of a Recirculated Draft Environmental
Impact Report / Supplemental Environmental
Statement**

Dear Ms. Bechtel:

Thank you for the opportunity to review the Notice of Availability (NOA) for the above referenced project. The project proposes to improve west-east transportation in western Riverside County, between the cities of Perris and San Jacinto. The project proposes to construct a new freeway, known as the Mid County Parkway (MCP), which will provide a direct and continuous route connecting Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, a distance of approximately 16 miles. Eastern Municipal Water District (Eastern) offers the following comments.

With a view to reduce impacts to Eastern's existing and future facilities, and rights-of-way, three project build alternatives and two design variations provided in chapter 2 of the Draft Environmental Impact Report/Supplemental Environmental Impact Statement (DEIR/SEIS) were reviewed by District staff. Eastern supports Project Build "Alternative 5 Modified: South Perris (at Rider Street)" with Design Variation "San Jacinto North." This selection should result in fewer impacts on Eastern's facilities and rights-of way, in comparison with other build alternatives and design variations.

SDU-1-1

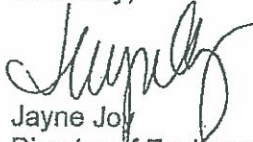
Eastern requests any future design studies and plans, further detailed plans or relocation plans for Eastern's facilities to be submitted to Eastern for our review and comments. Additionally, Eastern requires a formal Utility Notice with all the pertinent project information to be submitted early in the design process, to allow District staff to assess potential conflicts with existing facilities and/or proposed improvements. Once the initial communication has been established, both Agencies will work toward commonly agreed resolutions if conflicts are identified.

SDU-1-2

*Eastern Municipal Water District
Mid County Parkway Project DEIR/SEIS Comment
Page 2*

Again, Eastern appreciates the opportunity to comment on this project. Please forward the Final Environmental Impact Report to the attention of Helen Stratton at the mailing address shown on page one. If you have questions concerning these comments, please feel free to contact Helen Stratton at 951 928-3777, Ext. 4545.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jayne Joy".

Jayne Joy
Director of Environmental and Regulatory Compliance

JJ:hs

This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

SDU-1-1

The commenter's preference for Alternative 5 Modified: South Perris (at Rider Street) with the San Jacinto North Design Variation is noted. The process used to evaluate the alternatives and identify the preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. As discussed in Section 2.5.5, Alternative 9 Modified with the San Jacinto River Bridge Design Variation was identified as the preferred alternative.

SDU-1-2

This comment describes the Eastern Municipal Water District's (District's) request for coordination of the project design with the District to allow District staff to assess the potential for conflicts between District facilities and the MCP and to resolve those conflicts. Please refer to Measure U&ES-8 on page 3.5-14 in Section 3.5, Utilities and Emergency Services, in the Final EIR/EIS, which requires the Riverside County Transportation Commission (RCTC) Project Engineer to prepare plans during final design that show the utility facilities expected to be relocated or protected in place during project construction. The RCTC Project Engineer will coordinate the final plans for the proposed relocations/protection in place with each affected utility provider, including the District.

¹ Section 15088(a) of the CEQA Guidelines notes that "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response." As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

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THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

SDU-2

April 8, 2013

Via E-Mail and Regular Mail

Ms. Cathy Bechtel
Riverside County Transportation Commission
P.O. Box 12008
Riverside, California 92502

Dear Ms. Bechtel:

Notice of Availability of a
Recirculated Draft Environmental Impact Report/Supplemental Draft
Environmental Impact Statement (RDEIR/SDEIS) for the Mid County Parkway Project

The Metropolitan Water District of Southern California (Metropolitan) has received the Notice of Availability for the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Mid County Parkway (MCP) project, in western Riverside County. The MCP project is proposed by the Riverside County Transportation Commission (RCTC), the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans). RCTC is the lead agency under the California Environmental Quality Act (CEQA) and FHWA is the lead agency under the National Environmental Policy Act (NEPA). Metropolitan is providing comments on the RDEIR/SDEIS as an affected public agency and as a responsible agency, as defined in the State of California Public Resources Code, Section 21069.

Metropolitan owns and operates several facilities within the boundaries of the MCP project study area, including the Colorado River Aqueduct, the Inland Feeder, the Lakeview Pipeline, the Lake Perris Bypass Pipeline, and a number of ancillary features associated with these conveyance facilities. Metropolitan has worked cooperatively with RCTC and the County of Riverside since 2002 to address potential issues pertaining to these facilities, including via formal written correspondence in 2004, 2005, 2007 and 2009, which is attached to this letter and incorporated by reference. Metropolitan's facilities in relation to the MCP project are shown the attached figure, "Mid County Parkway Study Area, MWD Facilities Overlay".

As described in the Notice of Availability, the MCP project is a proposed 16-mile transportation corridor identified in the Riverside County Integrated Project (RCIP). The MCP project is intended to relieve traffic congestion between the cities of Perris and San

Jacinto and within surrounding communities in an east-west travel route connecting I-215 to SR 79. The MCP project includes three Build Alternatives (4 Modified, 5 Modified and 9 Modified) and two No-Build Alternatives (1A and 1B). Metropolitan understands that the MCP project has been modified in the RDEIR/SDEIS to exclude previously proposed alignments between I-15 and I-215, which now are being evaluated under the proposed Cajalco Road Widening Project by the Riverside County Transportation Department (RCTD). Metropolitan also understands that modifications to the proposed MCP project alignments as described in the RDEIR/SDEIS would result in avoidance of Metropolitan's facilities in proximity to Lake Perris.

In previous correspondence, Metropolitan expressed concerns about potential impacts to, and conflicts with, facilities extending from I-15 to SR 79. Proposed modifications have removed concerns about Lake Mathews and related facilities west of I-215 as part of this project, and substantially have removed concerns about facilities in the immediate vicinity of Lake Perris. The project does propose crossings of Metropolitan's Colorado River Aqueduct (CRA), Inland Feeder and Lakeview Pipeline. Consequently, we request continued cooperation by RCTC through MCP project design to address all issues related to these facilities to ensure that they are not compromised in any way by the MCP project.

SDU-2-1

In Section 3.5 (Utilities), Metropolitan provides the following comments on Table 3.5.A (Temporary Impacts to Utility Facilities), under the subheading "Metropolitan Water District of Southern California (Metropolitan)".

- The first sentence in the "Impacts" passage would correctly read, "The MCP alignment, at various locations, would be located adjacent to and cross the Metropolitan CRA, Inland Feeder and Lakeview Pipeline."
- The passage states, "In areas where the MCP is running roughly parallel to the CRA, the design would incorporate elements to ensure that settlement from the roadway embankments is either minimized or avoided." The design also should ensure that seismically induced displacement of the CRA, Inland Feeder and Lakeview Pipeline is minimized or avoided.
- In addition to the measures described in this passage, static and seismic analyses of potential impacts to the CRA, Inland Feeder and Lakeview Pipeline must be performed in accordance with Metropolitan's Geotechnical Guidelines. An updated version of these Guidelines is attached for your reference.

SDU-2-2

SDU-2-3

SDU-2-4

As previously noted, the project was modified to exclude the Lake Mathews area; therefore, from a Lake Mathews watershed perspective, water quality concerns related to the MCP are not anticipated. Metropolitan will continue to track the Cajalco Road Widening Project, which is anticipated to have a greater impact. The MCP project would impact surface water and groundwater quality in the San Jacinto watershed, which includes Lake Perris (a secondary State Water Project water source); however, the

SDU-2-5

April 8, 2013

RDEIR/SDEIS adequately addresses potential water quality impacts by proposing pollution prevention and treatment BMPs to target constituents of concern from transportation facilities. In addition, permits from the Regional Water Quality Control Board would require monitoring to evaluate the effectiveness of these BMPs. Should the proposed BMPs be substantively changed in the future, we request the opportunity to review those changes.

SDU-2-5

The RDEIR/SDEIS does not specifically identify the presence of cultural sites on Metropolitan property and none are anticipated. In the unlikely event that cultural materials are discovered on Metropolitan property and except as provided for in PRC Section 5097.98, Metropolitan, as the property owner, would consult with RCTC on their disposition in a qualified repository at the conclusion of the project. Mitigation and curation costs would remain the responsibility of the project.

SDU-2-6

Metropolitan requested in previous correspondence that additional analysis and engineering be submitted for Metropolitan's review and acceptance as they pertain to the CRA, adjacent pipelines, ancillary facilities and rights-of-way. Metropolitan will be unable to approve any project designs that have not been previously submitted for timely review and determined to adequately avoid or minimize to insignificance potential structural and operational impacts to Metropolitan's infrastructure. Please refer to the attached map and to the attached letter dated May 13, 2005, items I, II and III, for detailed information about the locations of these facilities in relation to the proposed alignments.

SDU-2-7

We appreciate the opportunity to continue to provide input to your planning, environmental clearance and design process, and we look forward to receiving future environmental documentation and technical information about this important project. Please contact me at (213) 217-6669, or dwest@mwdh2o.com, if you have questions or need assistance in addressing our comments. Please coordinate directly with Metropolitan's Substructures manager, Kieran Callanan for submittal and review of technical information pertaining to project design. Mr. Callanan may be reached at (213) 217-7474 or at kcallanan@mwdh2o.com.

Very truly yours,



Deirdre West
Manager, Environmental Planning Team

WP:rdl

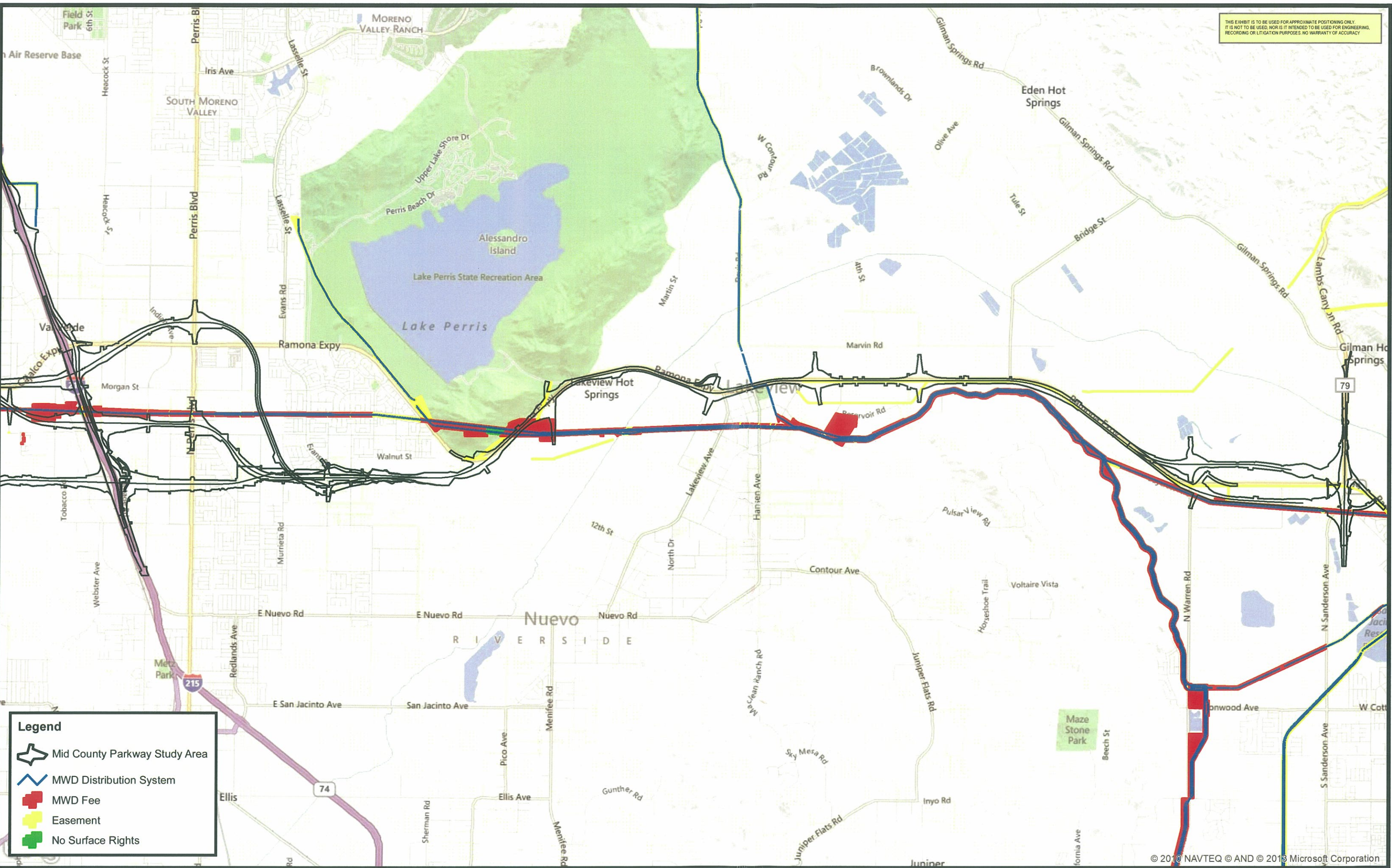
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Enclosures

- Figure – “Mid County Parkway Study Area, MWD Facilities Overlay”
- Letter dated December 15, 2004 – “Notice of Preparation for the Draft Environmental Impact Statement/Environmental Impact Report for the Mid County Parkway Corridor Project”
- Letter dated May 13, 2005 – “Mid-County Parkway Alignment – Conflicts with MWD Facilities”
- Letter dated January 8, 2009 – “Notice of Availability of a Draft Environmental Impact Report/Environmental Impact Statement for the Mid Count Parkway Project”, includes attachments—
 - Letter dated April 18, 2007 – “Mid County Project”
 - Letter dated July 31, 2007 – “Mid County Parkway and State Route 79 Interchange”
 - Letter dated August 31, 2007 – “Supplemental Notice of Preparation for the Draft Environmental Impact Report/Environmental Impact Statement for the Mid County Parkway Corridor Project”
- “Geotechnical Guidelines”, Revision Date 2/15/13

J:\Projects\Central_Pool_Augmentation\GIS\Mid County Parkway\B-size\Mid County Parkway_MWD_Facilities_Overlay_(Wendy_Picht).mxd [Printed 3/6/2013] Photography Date: N/A Prepared by: Ayl Unanyan (Engineering Survey Team) Checked by: Wendy Picht Job#: GS13-03-01

THIS EXHIBIT IS TO BE USED FOR APPROXIMATE POSITIONING ONLY.
IT IS NOT TO BE USED, NOR IS IT INTENDED TO BE USED FOR ENGINEERING,
RECORDING OR LITIGATION PURPOSES. NO WARRANTY OF ACCURACY



December 15, 2004

FEDERAL EXPRESS

Ms. Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92502-2208

Dear Ms. Bechtel:

Notice of Preparation for the Draft Environmental
Impact Statement/Environmental Impact Report for the Mid County Parkway Corridor Project

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Notice of Preparation (NOP) for the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Mid County Parkway Corridor Project, located within western Riverside County. The Riverside County Transportation Commission (RCTC) is the lead agency for the proposed project. The Mid County Parkway, which would be a key east-west regional transportation corridor within Riverside County, is proposed to extend from Interstate 15 on the west to State Route 79 on the east. The project is primarily located along the Ramona Expressway, Cajalco Road, and El Sobrante Road. Metropolitan is providing comments as a potentially affected public agency and a potential responsible agency, as defined in the State of California Public Resources Code, §21069. As indicated in Table A in the NOP, Metropolitan is a potential Responsible and Trustee Agency and RCTC would require approval from Metropolitan to cross Metropolitan lands and or facilities as defined herein.

As you know, Metropolitan owns and operates several facilities within the boundaries of the proposed study area, including Lake Mathews, the Colorado River Aqueduct, the Upper Feeder pipeline, the Lower Feeder pipeline and the Lake Perris Bypass pipeline and pumpback facilities. In addition, Metropolitan's approved Central Pool Augmentation (CPA) pipeline and treatment plant are within or adjacent to the boundaries of the proposed study area. Furthermore, Metropolitan maintains ownership and jointly manages the Lake Mathews Multi-Species Habitat Conservation Plan (MSHCP) reserve (also known as the Lake Mathews – Estelle Mountain Core Reserve), as shown on the attached graphic (see Figure 2).

Metropolitan has worked jointly with RCTC and the County of Riverside over the past eighteen months on the proposed Mid County Parkway and is committed to continuing work with the lead agency in support of this important regional transportation project. However, there are several

critical issues that must be resolved before RCTC approves the project and Metropolitan considers granting approval for the crossing of our lands and/or facilities.

These issues include:

Issues Related to the Lake Mathews MSHCP

The Lake Mathews MSHCP provides Endangered Species Act coverage for and fully mitigates impacts related to a variety of past and future Metropolitan projects, as well as impacts to ongoing operations of Lake Mathews. It is critical that Metropolitan maintains the mitigation and take authorization outlined in the MSHCP in full effect and in perpetuity. As currently proposed in the Draft EIS/EIR, each of the build alternatives for the Mid County Parkway would impact the Lake Mathews – Estelle Mountain Core Reserve. Metropolitan requests that the lead agency consider developing an alternative that would fully avoid impacts to the Lake Mathews – Estelle Mountain Core Reserve.

The lead agency, with Metropolitan's consent and overview, would need to review and assess the legal ramifications associated with modifications to the Lake Mathews – Estelle Mountain Core Reserve and determine the risks and benefits to Metropolitan. It is Metropolitan's understanding that the MSHCP, which established the Lake Mathews – Estelle Mountain Core Reserve, only allows for adding species or lands – not for changing or exchanging lands. As such, the lead agency would need to address the plausibility of modifying the MSHCP given the constraints outlined in the legal documents that established the reserve. Metropolitan requests that the lead agency initiate discussions with us to ensure that our take authorization is maintained in full effect.

Operational and Maintenance Issues at Lake Mathews

The lead agency also needs to address long-term impacts from the Mid County Parkway to the Lake Mathews Water Quality & Drainage Management Plan. The proposed project has the potential to affect drainage patterns and water quality at Lake Mathews, a critical drinking water reservoir for southern California. It is imperative to both Metropolitan and the County of Riverside that the Draft EIS/EIR addresses potential impacts to Lake Mathews from a water quality perspective, to ensure that a reliable, high-quality drinking water supply is maintained over the long term.

Furthermore, the implementation of the Mid County Project must allow uninterrupted operational access to the perimeter shoreline of Lake Mathews. Metropolitan utilizes Lake Mathews primarily as a storage reservoir for untreated water, however a large variety of other operational activities occur at Lake Mathews as well. Uninterrupted, long-term access to the perimeter shoreline at Lake Mathews will be required to: (1) perform annual shoreline vegetation clearing

activities, (2) allow patroller access in order to maintain security around Lake Mathews, and (3) allow general operational access for emergency activities, should the need ever arise.

The proposed project must also avoid impacts to Metropolitan's operational area along the north shore of Lake Mathews, near the intersection of El Sobrante and La Sierra roads. This area is utilized for management of Metropolitan's construction unit, which is essential to emergency response efforts within Metropolitan's service area. The proposed project's environmental documentation needs to analyze the potential impacts to these facilities and address avoidance and/or minimization measures to ensure minimal impacts to Metropolitan's operations.

Operational and Maintenance Issues at Other Existing and Future Metropolitan Facilities

The proposed project must also avoid impacts to Metropolitan's approved CPA project, in particular the future treatment plant at Eagle Valley and the future distribution system leaving Eagle Valley. This approved project is an essential component in Metropolitan's obligation to deliver reliable, high-quality water to both Riverside and Orange counties, and as such the lead agency should specifically address any potential impacts of the Mid County Parkway project to the CPA. In addition, Metropolitan's future treatment plant at Eagle Valley will most likely begin construction prior to implementation of the Mid County Parkway project – the lead agency's Draft EIS/EIR needs to acknowledge the treatment plant project and address avoidance and/or minimization measures to ensure minimal impacts to the CPA treatment plant project.

In addition, Metropolitan is concerned with potential impacts from the proposed project to other Metropolitan facilities within the project area. These facilities include the Colorado River Aqueduct, the Upper Feeder pipeline, the Lower Feeder pipeline, and the Lake Perris Bypass pipeline and pumpback facilities, and the approved CPA pipeline. Metropolitan must be allowed to maintain its rights-of-way to its facilities at all times in order to repair and maintain the current condition of those facilities. It is necessary that the lead agency avoid potential impacts to Metropolitan's facilities that may result from the proposed project, including any restrictions on Metropolitan's rights-of-way and/or any operations and maintenance activities. In order to avoid impacts, coordination with Metropolitan must occur during the planning process and written approval from Metropolitan for proposed design plans should be obtained prior to project approval. Metropolitan requests that the lead agency's Draft EIS/EIR acknowledge Metropolitan's facilities and address avoidance and/or minimization measures to ensure minimal impacts to our rights-of-way and/or facilities.

Other Issues

Metropolitan requests that the lead agency analyze in the draft EIS/EIR the consistency of the proposed project with the growth management plan adopted by the Southern California Association of Governments (SCAG). Metropolitan uses SCAG's population, housing, and employment projections to determine future water demand.

Ms. Cathy Bechtel
Page 4
December 15, 2004

In addition, Metropolitan encourages projects to include water conservation measures. Water conservation, reclaimed water use, and groundwater recharge programs are integral components to regional water supply planning. Metropolitan supports measures such as using water-efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed project.

We appreciate the opportunity to provide input to your planning process and we look forward to continued coordination with the County of Riverside on this project. Mr. John Vrsalovich of Metropolitan's Facility Planning Team has been designated as Metropolitan's contact to coordinate with RCTC. Mr. Vrsalovich can be reached at (213) 217-6066.

Very truly yours,

Laura J. Simonek
Manager, Environmental Planning Team

JAH/rdl
(Public Folders/EPU/Letters/08-DEC-04B.doc - Cathy Bechtel)
Enclosure: Planning Guidelines

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

MWD Colorado River Aqueduct, etc.
Substr. Job No. 2001-04-007

May 13, 2005

Mr. Charles Landrey
Project Manager
Jacobs Civil, Inc
3850 Vine Street, Suite 120
Riverside, CA 92507

Dear Mr. Landrey:

Mid-County Parkway Alignment - Conflicts with MWD Facilities

This letter is regarding the proposed Mid-County Parkway project alignment alternatives located in Riverside County generally between Interstate 15 and the city of San Jacinto, north and south of Lake Mathews and south of Lake Perris.

The following comments provide a detailed explanation of potential conflicts between the proposed project alignments and Metropolitan's various facilities. The subject locations are referenced accordingly on the enclosed aerial photo map that delineates the project's alternative alignments, which your company submitted to Metropolitan.

I. Colorado River Aqueduct/Casa Loma Siphon-1st Barrel - at Sanderson Avenue

Just south of the Ramona Expressway, Metropolitan's 148-inch-inside-diameter Casa Loma Siphon crosses Sanderson Avenue (MWD Station 10933+40). There is an existing protective concrete slab in place at Sanderson Avenue and our pipeline is between 4 and 10 feet below grade at this location. This protective slab may need to be upgraded or extended depending on the limits of the corridor construction in this area. Enclosed are prints of our Casa Loma Siphon Drawings B-363-10, B-363-11, H-1224 and H-1300, and Drawing B-25759 for the protective slab.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Mr. Charles Landrey
Page 2
May 13, 2005

II. Colorado River Aqueduct, Inland Feeder and Lakeview Pipeline – between Bridge Street and Princess Ann Road

Just south of the Ramona Expressway at Princess Ann Road, Metropolitan's 185-inch-inside-diameter Colorado River Aqueduct monolithic concrete pipeline, 145-inch-inside-diameter Inland Feeder welded steel pipeline, and 133-inch-inside-diameter welded steel Lakeview Pipeline are all in close proximity to the proposed corridor alignment. Please submit detailed plans of your corridor project in this area for our review and written approval when available. Enclosed are prints of our Drawings B-363-9, B-60591, B-88361, B-88362 and B-88381 for our facilities in this area.

III. Inland Feeder – Davis Road/Hansen Avenue

Metropolitan's 145-inch-inside-diameter Inland Feeder welded steel pipeline is located at the intersection of Ramona Expressway and Davis Road and runs parallel to Ramona Expressway for approximately 800 feet. The pipeline is located approximately 15 feet below grade in this area and may need to be protected within the limits of your corridor improvements. Enclosed for your information are prints of our Drawings B-92103 and B-92104.

IV. Lake Perris Facilities

Metropolitan has a number of facilities and properties along the south side of Lake Perris that may be impacted by the proposed corridor. In addition, appropriate protection of various pipelines and tunnels in this area may need to be undertaken. Enclosed are prints of our Drawings B-363, B-363-6, B-60445 through B-60447, B-60561, B-60562, B-60563, B-60564, B-65646 and B-65656 through B-65661 for your information and use.

a. Lake Perris Bypass Pipeline

The proposed corridor alignment must be kept outside the limits of this right-of-way except where it must cross the pipeline.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Mr. Charles Landrey

Page 3

May 13, 2005

b. Perris Power Plant

The proposed corridor alignment must be kept outside the limits of our power plant and pressure control facility right-of-way.

c. Bernasconi Tunnels No. 1 and No. 2 – West and East Portals

Appropriate access will need to be provided to Metropolitan to these portal sites for routine maintenance and repairs.

V. SR-215 – Chemical Unloading Facilities

- a. Metropolitan owns and operates a chemical unloading facility just west of the proposed SR-215 interchange. The proposed alignment should not encroach into any area of this property. Please note that Metropolitan may be performing major upgrades to this facility in the near future. We will keep you informed of changes to this facility as they occur. Enclosed are prints of our Drawings B-26979 and B-26980 for your information and use.
- b. In addition, just east of the chlorine facility extending approximately to the Cajalco Dam, Metropolitan's 183-inch-inside-diameter Colorado River Aqueduct Valverde Tunnel is longitudinally in close proximity to the proposed alignment with an average depth of 150 to 200 feet. Your proposed corridor must have no impact on this tunnel.

VI. Cajalco Dam – El Sobrante Road and Cajalco Road (East of Lake Mathews)

The proposed alignment may require modifications to the existing Cajalco Dam facility, which would have to be coordinated with Metropolitan, Riverside County Flood Control District and the California Division of Safety of Dams (DSOD). Also, access to the facility will need to be maintained. Enclosed are prints of our Drawings A-1178, H-1362 and H-1363 for your information and use.

Metropolitan's facilities between the Cajalco Dam and our Lake Mathews

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Mr. Charles Landrey

Page 4

May 13, 2005

facility may also be affected where the Valverde Tunnel transitions into an outlet channel. Detailed plans of your proposed corridor improvements will be required in order to determine potential impacts to our facilities. Enclosed are prints of our Drawings B-363-1 through B-363-4 for your information and use.

VII. Lake Mathews Facilities, Upper Feeder and Lower Feeder

- a. The alignment of your proposed corridor in proximity to our Lake Mathews Dike No. 1 at McAllister Street would involve the removal of a hill that is acting as a buttress for this dike, which is unacceptable. Metropolitan cannot allow any activity which has the potential to compromise or reduce the factor of safety of this dike. Your corridor alignment will need to be revised such that no material is removed from this abutment area. Any construction in this area will also require DSOD approval.
- b. Seepage pipes located at the face of this dike may also be affected. Any impacts to these pipelines will need to be mitigated.
- c. Metropolitan's main entrance to our Lake Mathews facility is accessed from El Sobrante Road. The proposed alignment appears to interfere with this access. If this alignment will bridge over La Sierra Avenue, the height should be such that it allows all of our vehicles to cross under the overcrossing.
- d. Metropolitan's 140-inch-inside-diameter Upper Feeder pipeline crosses the proposed alignment just west of La Sierra Avenue. This pipeline will need to be protected in place.
- e. Metropolitan's 108-inch-inside-diameter Lower Feeder pipeline and related above-ground facilities, including a small hydroelectric power plant, may be impacted by your proposed corridor alignment and auxiliary road between Lake Mathews and Temescal Canyon Road. As shown on the enclosed drawings, Metropolitan facilities include, but are not limited to, two standpipes, a control tower, a venturi meter and the Temescal Power

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Mr. Charles Landrey

Page 5

May 13, 2005

Plant. Please provide detailed information on how these facilities will be protected in place and how Metropolitan's access will be maintained in this area.

Enclosed for your information are prints of our Lower Feeder pipeline and tunnel Drawings B-9363, B-10203 through B-10212, B-21226 and B-21227 and above-ground facility Drawings B-10275, B-10282, B-10283, B-30310 through B-30314, B-30398 and B-30399.

For any further correspondence with Metropolitan relating to this project, please make reference to the Substructures Job Number located in the upper right-hand corner of this letter. Should you require any additional information, please contact Mr. Ish Singh at (213) 217-6679.

Very truly yours,



For Kieran M. Callanan, P.E.
Manager, Substructures Team

IS/ly
DOC 2001-04-007
Enclosures (53)



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

January 8, 2009

Via Email & FedEx

Ms. Cathy Bechtel
Riverside County Transportation Commission
PO Box 12008
Riverside, CA 92502-2208

Dear Ms. Bechtel:

**Notice of Availability of a Draft Environmental Impact Report/
Environmental Impact Statement for the Mid County Parkway Project**

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Mid County Parkway Project, located within western Riverside County.

Metropolitan currently owns and operates several facilities within the boundaries of the area described in the DEIR/EIS, including Lake Mathews, the Colorado River Aqueduct, the Upper Feeder pipeline, the Lower Feeder pipeline and the Lake Perris Bypass pipeline and pumpback facilities. In addition, Metropolitan's approved Central Pool Augmentation (CPA) pipeline and treatment plant are within or adjacent to the boundaries of the proposed study area. Furthermore, Metropolitan maintains ownership and jointly manages the Lake Mathews Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (MSHCP/NCCP) reserve.

As discussed in our previous comments to you regarding the Mid County Parkway Project, there are several critical issues that must be resolved before Metropolitan will consider granting approval for the crossing of our lands and/or facilities. Our issues are as follows:

ENVIRONMENTAL ISSUES

Comment 1: Reserve Definitions

The descriptions, and the distinctions, of the various reserves in the project area are sometimes unclear and potentially misleading, no doubt due to the complex relationships in establishment, management, and purposes of the reserves. The narrative discussions in different levels of detail in different sections of the document do not appear to provide sufficient information to fully disclose the importance of reserve-related issues. A figure, or perhaps several figures, that clearly depict reserve boundaries and property ownership could be very helpful in this regard. Accompanying the figure (or figures) could be a detailed but succinct description of each reserve, including when it was established, its primary purpose for establishment, the agreements that underlie current management, and ongoing management obligations. Another brief but precise description of the relationships, both legally binding and cooperative, among these reserves would also be useful.

The Lake Mathews Multiple Species Reserve (Reserve), for example, was established in part as a mitigation bank for current and future Metropolitan projects in western Riverside County, and in fact incorporates—but does not supersede—previous agreements among Metropolitan, the California Department of Fish and Game (CDFG) and the California Department of Water Resources to establish a State Ecological Reserve at Lake Mathews. Further, the mitigation bank lands at the Reserve are protected for long-term conservation by a conservation easement held by the Riverside County Habitat Conservation Agency (RCHCA). The Reserve is managed under the terms of a Cooperative Management Agreement among Metropolitan, RCHCA, CDFG, and the U.S. Fish and Wildlife Service, thus limiting Metropolitan's ability to make unilateral decisions regarding Reserve management. None of these important considerations were clearly described in the document, thus understating the importance to Metropolitan that these complex agreements remain intact and that potential adverse project-related impacts to these lands are fully evaluated.

It is also important to note that the Lake Mathews MSHCP is also an NCCP pursuant to agreements with CDFG. Thus, in addition to the state and federal Endangered Species Acts, where they apply, the Lake Mathews MSHCP is also bound by the provisions of the state NCCP process. The Lake Mathews MSHCP should be referred to as "Lake Mathews MSHCP/NCCP."

Comment 2: Amendment to Reserve MSHCP/NCCP

Chapter 3, page 943, of the DEIR/EIS states that if Riverside County moves forward with the widening of Cajalco Road as part of Riverside County's implementation of the Circulation Element of the General Plan, Metropolitan "would have to agree to a plan amendment." While an amendment to the Lake Mathews MSHCP/NCCP would be required to allow modifications to Reserve boundaries and impacts to conserved land, Metropolitan would not be required to initiate an amendment or to support efforts by others to do so.

Comment 3: Off-site Mitigation

The document states that indirect impacts to conserved lands would result from construction and operation of the MCP, including increased pollutants and trash, increased potential for fire, trespass, type conversion of habitat, and other edge effects. While the analysis concludes that the impacts would be minimal, it also states that off-site mitigation would offset those impacts as provided for in the County's MSHCP. Please note that such off-site mitigation would not offset impacts to the Lake Mathews Multiple Species Reserve because Metropolitan is not a signatory to the agreements that established the County's MSHCP. Mitigation for indirect impacts to the Reserve must be consistent with the provisions of CEQA and of the Lake Mathews MSHCP/NCCP and associated agreements.

Comment 4: Cultural and Paleontological Resources Mitigation

While the preferred alignment (Alternative 9) does not impact Metropolitan property, other potential alignments addressed in the document would. Mitigation measures should be written to consider the rights and responsibilities of property owners regardless of which alignment ultimately is selected. With the exception of human remains and associated burial items, Metropolitan asserts ownership of all artifacts and fossil remains found on Metropolitan property and requests coordination in the

preparation of treatment plans and mitigation plans that could affect those resources. Reference in the mitigation measures for cultural resources should include a requirement that recovered artifacts be placed in a qualified repository that meets all applicable standards and regulations for such a facility (similar to wording for disposition of recovered paleontological materials).

Comment 5: Biological Resources Mitigation

Mitigation measures for potential impacts to burrowing owls, which would result from Alternative 9, specify focused surveys “within” 30 days of construction, and “passive” relocation of birds whose burrows would be impacted. Conducting surveys within 30 days could inappropriately limit the ability to implement meaningful measures prior to construction. As a potential alternative to passive relocation, Metropolitan would support a cooperative effort to investigate the feasibility and implementation of active relocation of burrowing owls into the Lake Mathews Multiple Species Reserve. Such action would require the concurrence of Metropolitan’s Reserve management partners, and must be consistent with management obligations contained in the MSHCP/NCCP, but with concurrence of the Reserve Management Committee, Metropolitan would support use of the Reserve in this way if appropriate.

Comment 6: Wildlife Crossings

Metropolitan recognizes the importance of connectivity between conserved blocks of land in western Riverside County, and thus recognizes --and supports-- the use of wildlife undercrossings and overcrossings as an important measure to ensure the health of wildlife populations in the Lake Mathews Multiple Species Reserve.

WATER QUALITY ISSUES

Comment 7: Watershed Impacts and Mitigation

The document states that indirect impacts from runoff to jurisdictional areas would be negotiated with the U.S. Army Corps of Engineers and CDFG to a level of less than significant. Due to Metropolitan’s concerns about runoff into Lake Mathews from the surrounding watershed, Metropolitan requests coordination for determination of significance and mitigation of such impacts as future negotiations cannot be cited as mitigation for impacts.

Comment 8: Appendix Q

The DEIR identifies a Conceptual Mitigation Plan in Appendix Q and includes potential off-site mitigation areas throughout the Lake Mathews watershed. Some of the mitigation areas identified conflict with water quality protection facility locations identified in the DWQMP, and may conflict with other future areas in which Metropolitan may be seeking to implement water quality improvement projects to protect Lake Mathews. Metropolitan should be consulted in the development of the mitigation plans noted with respect to areas within the Lake Mathews watershed and under the purview of the DWQMP.

Comment 9: Runoff Issues

The document does not adequately address potential runoff impacts to Lake Mathews from the various alternatives that are within the Lake Mathews watershed. In fact, in some sections, Lake Mathews is not even identified as a potential receiving water for surface water drainage (see page S-35, Executive Summary, Vol 1). The project runoff impacts to Lake Mathews, a source drinking water reservoir for over 15 million people, needs to be fully addressed in this document. Metropolitan should be consulted with respect to any efforts to address and/or negotiate runoff water quality issues and associated mitigation measures that relate to Lake Mathews.

Comment 10: Municipal Supply

On page 3.10-25, the DEIR indicates that “waters in the project area are not used for municipal supply.” This is an inaccurate statement and needs to be corrected.

Comment 11: Drainage Water Quality Management Plan

The document does not acknowledge the requirements of the Drainage Water Quality Management Plan for Lake Mathews (DWQMP), an adopted plan through a joint agreement with Metropolitan, the Riverside County Flood Control and Water Conservation District, and the County of Riverside. This issue has been brought up by Metropolitan in previous correspondence with the Riverside County Transportation Commission but has not been incorporated into the DEIR/EIS. The DWQMP identified several water quality treatment facilities within the Lake Mathews watershed that would address urban runoff impacts with increasing development. Some of the alternatives addressed in the DEIR/EIS include alignments that conflict with the DWQMP requirements. These conflicts need to be fully addressed in the DEIR/EIS. Should there be an impact to the facilities identified in the DWQMP, an evaluation of how the proposed project and mitigation measures meet or exceed water quality protection of Lake Mathews must be included. Coordination with and approval from Metropolitan, Riverside County Flood Control and Water Conservation District, and County of Riverside is necessary for any proposals that would be in conflict with the requirements of the DWQMP.

Comment 12: Flood Control/Water Quality Facilities

Several existing flood control/water quality facilities within the Lake Mathews watershed, such as the Cajalco Dam/Detention Basin, Cajalco Creek sediment basin, and smaller sediment traps south of Cajalco Road are not identified in the descriptions of existing uses. The impacts to these facilities as a result of the project alternatives should be clearly defined and fully mitigated. In particular, the Cajalco Dam/Detention Basin needs to be specifically identified and any potential impacts must be evaluated in detail as this facility plays a very important role in the protection of Lake Mathews from watershed runoff impacts.

Comment 13: Watershed Protection

Alternative 9 would have the least impact on the Lake Mathews watershed and the DWQMP facilities, as it is located primarily outside the watershed. All of the other “build alternatives” could substantially impact those facilities and other watershed protection efforts. We would have significant water quality concerns with any of the other “build alternative” alignments identified and acceptable mitigation of the impacts from those alternatives would be likely infeasible.

Comment 14: BMPs

Several classes of BMPs are identified in the DEIR/EIS to address runoff issues associated with this project. The ability of the project improvements and BMPs to protect Lake Mathews as a source drinking water reservoir must be explicitly detailed in the DEIR/EIS. For example, the DEIR/EIS indicates a projected increased loading of total phosphorus due to the increased volume of runoff generated from the impervious areas proposed. Lake Mathews is the terminal reservoir of the Colorado River Aqueduct. The Colorado River system is phosphorus-limited and an increase in phosphorus levels can stimulate algal related problems for Metropolitan, such as taste and odors, biomass production and filter clogging, algal toxins, etc. The DEIR/EIS should fully address any potential runoff water quality impacts, during or post-construction (stormwater, groundwater dewatering, etc.), that may result from the project and its effects on Lake Mathews and associated drinking water uses.

FACILITY ISSUES

Comment 15: Potential Impacts

Metropolitan has raised a number of issues related to potential impacts to our facilities in our correspondences with RCTC and these letters have been included in Appendix J of the DEIR/EIS. Table 3.5.A of the DEIR/EIS summarizes some of these potential impacts to our facilities and implies that these issues can all be resolved. We disagree. Until such time as extensive investigations and engineering studies have been done, RCTC cannot state with any certainty that the proposed project will have no adverse impacts on Metropolitan facilities. Accordingly, Metropolitan reserves judgment on each of the issues previously identified until such investigations and engineering studies have been done and presented to Metropolitan for review.

Comment 16: Colorado River Aqueduct

Section 2.2.2.3 discusses the proposed preferred alignment (Alternative 9) as being adjacent to Metropolitan’s Colorado River Aqueduct (CRA) based on land use issues and improved interchange configuration and flood plain issues. However, as discussed in various Metropolitan correspondence, this alignment could have significant impacts on the adjacent CRA, which is an unreinforced cut and cover conduit. Metropolitan’s concerns about this alignment are due to the size and extent of the adjacent embankments, the poor soil conditions generally encountered in this area, which together could have the potential to cause significant lateral and horizontal deformation of the CRA, which is unacceptable. The RCTC engineers are currently conducting geotechnical investigations to

determine the actual impacts and potential mitigations that will need to be reviewed and accepted by Metropolitan if this is determined to be the actual alignment.

Comment 17: Existing Land Uses

Figure 3.1.1 of the DEIR/EIS shows existing land uses in the vicinity of Lake Mathews, but does not include a designation for public facilities including the Lake Mathews dam, spillway and operations area, and the Cajalco dam, the main detention basin north of Cajalco Road, and the smaller detention basins on the south side of Cajalco Road. The boundaries of these areas are shown in the Lake Mathews MSHCP/NCCP and in the conservation easement.

Comment 18: Metropolitan Facilities

Figure 3.51a and Table 3.5a do not present any major Metropolitan facilities except for the Colorado River Aqueduct (CRA). These graphics should also present Metropolitan's major pipelines that the alternatives may affect and indicate continuing coordination with Metropolitan in attempting to minimize impacts to these facilities.

Comment 19: Widening of Cajalco Road

The DEIR/EIS discusses Riverside County's plans to widen Cajalco Road in addition to construction of preferred Alternative 9. The document also states that the existing roadway geometry does not meet Caltrans standards for 120 kph (75 mph) in several areas; therefore, widening the existing facility in these areas without redesign is not feasible. Other concerns related to widening Cajalco Road stated in the document include grade and direct access points. Metropolitan has expressed its concerns related to widening Cajalco Road in the past, most recently in its April 18, 2007, letter to RCTC, which are incorporated by reference. Any widening and redesign of Cajalco Road to increase capacity and reduce travel time along that facility will significantly impact several critical Metropolitan facilities including but not limited to the Lake Mathews Multiple Species Reserve lands and Cajalco Dam/Detention Basin. Metropolitan is not aware of any public scoping that may be taking place related to widening Cajalco Road and requests that Metropolitan be notified of such meetings in the future.

Changes to the existing Cajalco Road elevation or width can impact the operational requirements of the Cajalco Dam/Detention Basin (including water impound capacity and access for sludge removal and general maintenance) which would be unacceptable. Portions of the existing Cajalco Dam/Detention Basin are DSOD jurisdictional. Modifications required by the DSOD might impact the operational requirements of the facility and could be unacceptable. Changes to the drainage through Cajalco Road could result in flooding on MWD and adjacent properties. These comments do not apply to alternative 9 but do apply to proposed plans to modify the existing Cajalco Road.

The drainage provisions of the four sedimentation basins along Cajalco Road must be maintained even if modifications to the roadway are implemented.

Ms. Cathy Bechtel
Page 7
January 8, 2009

The DEIR/EIS indicates that there may be closures along Cajalco Road from Gavilan Road to La Sierra. Any road closures must take into account Metropolitan's need to access the southern portions of Lake Mathews via its gates along Cajalco Road.

OTHER ISSUES

Comment 3: Contacts

"Persons contacted" incorrectly identifies Tim Skrove as a representative of the Western Municipal Water District. Mr. Skrove is a Principal Public and Regional Affairs representative of Metropolitan.

Comment 12: Agency Coordination

References to coordination with other agencies generally do not include Metropolitan; however, later in the document, specific discussion of coordination with Metropolitan clearly describes the extensive coordination that has taken place between our agencies to address concerns and common interests.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental documentation from you about this important project. If we can be of further assistance, please contact Ms. Raeanne Murphy at (213) 217-6319.

Very truly yours,



for Delaine W. Shane
Manager, Environmental Planning Team

RM/rm

Enclosures: Letter dated April 31, 2007
Letter dated April 18, 2007
Letter dated July 31, 2007



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

August 31, 2007

Via E-Mail

Ms. Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92502-2208

Dear Ms. Bechtel:

Supplemental Notice of Preparation for the Draft Environmental
Impact Statement/Environmental Impact Report for the Mid County Parkway Corridor Project

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Supplemental Notice of Preparation (Supplemental NOP) for the Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) for the Mid County Parkway Corridor Project, located within western Riverside County. This letter contains Metropolitan's response to the Supplemental NOP as a potentially affected public agency.

Metropolitan currently owns and operates several facilities within the boundaries of the study area described in the Supplemental NOP, including Lake Mathews, the Colorado River Aqueduct, the Upper Feeder pipeline, the Lower Feeder pipeline, and the Lake Perris Bypass pipeline and pumpback facilities. In addition, Metropolitan's approved Central Pool Augmentation (CPA) pipeline and treatment plant are within or adjacent to the boundaries of the proposed study area. Furthermore, Metropolitan maintains ownership and jointly manages the Lake Mathews Multi-Species Habitat Conservation Plan/Natural Community Conservation Plan (MSHCP/NCCP) Reserve.

As discussed in our comments to your initial NOP, there are several critical issues that must be resolved before Metropolitan will consider granting approval for the crossing of our lands and/or facilities.

These issues include:

- Impacts to the Lake Mathews reserve lands, which includes the Lake Mathews MSHCP/NCCP Reserve;
- Impacts to the Lake Mathews watershed (e.g., impact to the quality of water entering Lake Mathews);
- Inclusion of the requirements stated in the Lake Mathews Drainage Water Quality Management Plan, a joint agreement between Metropolitan, the County of Riverside, and the Riverside County Flood Control and Water Conservation District;
- Impacts to Metropolitan operational facilities and rights-of-way; and
- Security issues.

Ms. Cathy Bechtel
Page 2
August 31, 2007

Metropolitan addressed these issues in detail in the attached letter to Cathy Bechtel, dated April 18, 2007, and in the attached letter to Rick Simon, dated July 31, 2007.

Metropolitan would also like clarification regarding the Riverside County Transportation Commission's "preferred alternative" for the Mid County Parkway, and clarification regarding the issue of the possible widening of Cajalco Road.

As previously stated, Metropolitan cannot support or sanction any alternative that enters or impacts the Lake Mathews MSHCP/NCCP. The lead agency, with Metropolitan's consent and overview, would need to review and assess the legal ramifications associated with modifications to the Lake Mathews MSHCP/NCCP, and determine the risks and benefits to Metropolitan. It is Metropolitan's understanding that the MSHCP/NCCP only allows for the adding of species or lands – not for changing or exchanging lands. Any changes to the MSHCP/NCCP and to existing legal documents establishing the reserve, including existing conservation easements, would require the approval by all members of the reserve management committee. As such, the lead agency would need to address the plausibility of modifying the MSHCP/NCCP given the constraints outlined in the legal documents that established the reserve.

Additionally, as set forth in our prior correspondence, Metropolitan has significant engineering issues related to the protection of our existing facilities and to the operation and maintenance of our water distribution system that is impacted by the various alternative alignments. These facilities are a critical part of Metropolitan's distribution system, which imports water to over 18 million customers in Southern California. Extensive engineering and geotechnical work will need to be undertaken to ensure that the location of the proposed corridor will not compromise the integrity of our distribution system, and will not restrict our ability to maintain, operate, add, or replace facilities along our right-of-way. There may also be situations where it is not possible to mitigate potential impacts to our facilities and a realignment of the corridor away from our facilities may be required.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental documentation and the Draft EIR on this Project. If we can be of further assistance, please contact Mr. John Shama at (213) 217-6319.

Very truly yours,



For Delaine W. Shane
Interim Manager, Environmental Planning Team

RM/rm
(Public Folders/EPU/Letters/29-AUG-07B.doc – Cathy Bechtel)

Enclosures: Letter dated April 18, 2007
Letter dated July 31, 2007



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Office of the General Counsel

April 18, 2007

Via Electronic Mail & Federal Express

Ms. Cathy Bechtel
Riverside County
Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92501

Re: Mid County Parkway Project

Dear Ms. Bechtel:

The Metropolitan Water District of Southern California (Metropolitan) is writing to comment on the Riverside County Transportation Commission's (RCTC) proposed alignments for its Mid County Parkway (MCP or project).

As you know, Metropolitan has worked cooperatively with RCTC on its consideration of alternative routes for, and environmental study of, the MCP. We understand that RCTC is preparing to issue its draft environmental impact report/environmental impact statement (Draft EIR/EIS) soon, and wanted to reiterate Metropolitan's comments and concerns regarding the project at this critical juncture. Enclosed and incorporated by reference are copies of prior correspondence that set forth Metropolitan's position on the project.

In summary, Metropolitan's primary concerns with the proposed MCP are:

- a. Impacts to Lake Mathews reserve lands and associated conservation, mitigation, and management pursuant to agreements with U.S. Fish and Wildlife Service, California Department of Fish and Game, and Riverside County Habitat Conservation Agency, including the Lake Mathews Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (MSHCP/NCCP or reserve).
- b. Impacts to the Lake Mathews watershed, including impacts to Metropolitan's Cajalco Creek Dam and adjunct detention basins and other existing and future facilities necessary to control urban runoff into Lake Mathews in order to meet water quality requirements. Any alignments within the Lake Mathews watershed should incorporate the existing requirements of the Lake Mathews Water Quality & Drainage Management Plan, which is an agreement that was executed between the Riverside County Flood Control and Water Conservation District and Metropolitan to preserve and enhance the water quality within Lake Mathews.

Ms. Bechtel
Page 2
April 18, 2007

- c. The protection of Metropolitan's existing large diameter distribution system and related facilities from potential impacts caused by the proposed MCP. The main facilities affected by these proposed alignments include: the Colorado River Aqueduct; Perris Valley Siphon Nos. 1 and 2; Lakeview pipeline; Bernasconi Tunnels Nos. 1 and 2; Inland Feeder; 1st Barrel Casa Loma Siphon; Upper Feeder pipeline; Lower Feeder pipeline; Temescal Power Plant; Lake Perris Bypass and its associated pipeline, Perris Power Plant and Pressure Control Facility; Lake Mathews and its associated power plant, dams and facilities; Chemical Unloading Facility; and the approved Central Pool Augmentation project and its associated future water treatment plant at Eagle Valley and the future water distribution system leaving Eagle Valley.
- d. Homeland security and related access issues to Metropolitan facilities, security gates, and detention basins in and around the proposed project.

Metropolitan requests that RCTC choose an alignment that addresses these concerns by avoiding any impacts to the reserve and operational lands, and by avoiding or minimizing impacts to Metropolitan's facilities. Based on a review of the preliminary data provided by RCTC, only Alternative 9 (the southernmost route) avoids the reserve, and has the fewest impacts on Metropolitan's facilities. Enclosed for reference is a map showing the proposed MCP alignments, including Alternative 9, in relation to the reserve and Metropolitan's major facilities.

Impacts to the Reserve

As we have stated repeatedly in the past, Metropolitan cannot support or sanction any alternative that enters or impacts the reserve in any way. The MSHCP/NCCP encompasses about 5,110 acres of land surrounding Lake Mathews, including the lands in the State Ecological Reserve. These lands are protected for their benefit to endangered, threatened or sensitive species and provide the basis for Endangered Species Act compliance for Metropolitan projects located in Riverside County.

To ensure protection of these lands, Metropolitan recorded a conservation easement that precludes the use of the property in a manner that could adversely affect its values for conservation purposes. Any activities or use of reserve lands for the MCP is incompatible with these conservation commitments, and Metropolitan is precluded from authorizing such activities and use of the reserve. For these reasons, Metropolitan opposes the MCP alignments that would enter and/or impact the reserve in any way.

Ms. Bechtel
Page 3
April 18, 2007

Impacts to Metropolitan Facilities

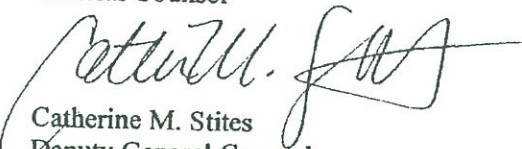
Metropolitan is also concerned about impacts to its facilities and their operation, as set forth in detail in the enclosed correspondence. In short, all of the proposed MCP alignments, including Alternative 9, would impact Metropolitan facilities. In addition, all alignments have the potential to affect how these facilities are operated. RCTC must carefully analyze the potential impacts, including but not limited to those from increased lateral and vertical loading, induced settlement, impacts to operations of the facilities, and altered drainage patterns. See, for example, the enclosed September 28, 2006 and March 29, 2007 correspondence for more detail on this subject. Any proposals to realign or accommodate Metropolitan's facilities, including the costs of such accommodations, are potentially significant and should be analyzed in detail by RCTC. We welcome the opportunity to provide information relevant to this analysis upon your request.

Metropolitan respectfully requests that you address all of the foregoing concerns in the Draft EIR/EIS. We look forward to continuing our cooperative work with RCTC on the MCP.

If you have any questions, please feel free to contact John Shamma at (213) 217-6409 or me at (213) 217-6533.

Sincerely,

Karen L. Tachiki
General Counsel



Catherine M. Stites
Deputy General Counsel

CMS/tjm
Enclosures

cc: Mr. John Shamma, P.E., Metropolitan (w/o encls.)
Mr. Hideo Sugita, RCTC Deputy Executive Director (w/encls.)

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Ms. Bechtel

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April 18, 2007

cc: Merideth Cann, P.E. (w/encls.)
Charles V. Landry, P.E. (w/encls.)
Jacobs Engineering Group Inc.
3850 Vine Street, Suite 120
Riverside, CA 92507

Mr. Rob McCann (w/encls.)
LSA Associates, Inc.
20 Executive Park
Suite 200
Irvine, CA 92614

Karin Louise Watts Bazan, Esq. (w/encls.)
Office of the Riverside County Counsel
3535 10th Street, Suite 300
Riverside, CA 92501



Map of Lake Mathews
Lake Mathews



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

MWD Colorado River Aqueduct
Sta. 10899+00 to 11022+00
Substr. Job No. 2001-06-008

July 31, 2007

Mr. Rick Simon
CH2MHILL
Suite 200
2280 Market Street
Riverside, CA 92501

Dear Mr. Simon:

Mid-County Parkway and State Route 79 Interchange

Thank you for your transmittal letter dated April 19, 2007, submitting a drawing (titled SR79 South, Cut and Fill, Mid-County Parkway Project) showing the proposed alignment and contours for the Mid-County Parkway Project and the State Route 79 Realignment Interchange Project in Riverside County.

Subsequently, we received a geotechnical report (Preliminary Geotechnical Evaluation, Metropolitan Water District, Canal Crossing Sites, State Route 79 Realignment Project, Riverside County, California) prepared by Ninyo & Moore, dated June 8, 2007.

The proposed Mid-County Parkway and State Route 79 (SR79) Realignment projects will potentially impact several of Metropolitan's facilities along their alignments. However, this letter specifically pertains to the interchange between the Mid-County

LOGGED OUT
LOGGED IN

Mr. Rick Simon

Page 2

July 31, 2007

Parkway and the realigned SR79, and a portion of the Mid-County Parkway immediately to the west of this interchange.

Metropolitan's 12-foot-4-inch-inside-diameter cast-in-place Colorado River Aqueduct Casa Loma Siphon First Barrel (CRA) is located immediately adjacent to, and south of, the Mid-County Parkway alignment, and is crossed by SR79 at its interchange with the Mid-County Parkway. Metropolitan's manholes, air release and blowoff structures are also located along this reach as indicated in Table 1.

The submitted drawing provides preliminary geometric design and grade information for the proposed Mid-County Parkway, the SR79 interchange, and the portion of the Mid-County Parkway westerly of this interchange to a few hundred feet west of Warren Road. The proposed interchange is located northeasterly of the intersection of the CRA Casa Loma Siphon First Barrel and Sanderson Avenue. The proposed alignment of the Mid-County Parkway westerly of the interchange is north of, and immediately adjacent to, the CRA Casa Loma Siphon right-of-way.

As proposed, the SR79 roadway will be elevated above the CRA and the portion of the Mid-County Parkway that extends easterly of the interchange to Ramona Expressway. The SR79 roadway will be elevated above existing grade by the construction of embankments to a height of about 25 feet directly above and adjacent to the CRA. The elevated SR79 will also require the use of bridge and pier structures adjacent to the CRA to allow the interchange transition roads to span over the CRA, although this information was not provided in the submittal. The Mid-County Parkway will be constructed above grade immediately parallel and adjacent to the north of the CRA right-of-way throughout the reach shown on the submitted drawing. This will be accomplished by the placement of approximately 25-foot-high embankments and the use of bridge structures to cross over roads that are not connected to the parkway. The Mid-County Parkway will also require the use of a retaining wall at the edge of the CRA right-of-way to support the roadway embankment between Sanderson Avenue and Cawston Avenue. The Mid-County Parkway Project will also require the relocation of Sanderson Avenue, the extension of two streets (Cawston Avenue and Odell Avenue) at existing grade across the CRA, and the construction of a new street (Bridge Street), which will be elevated above the Mid-County Parkway. At the west end of the submitted portion of the Mid-County Parkway Project, Warren Road will be realigned. Since Warren Road will be a connector road to

Mr. Rick Simon
Page 3
July 31, 2007

the Mid-County Parkway, a bridge structure with an approach embankment will be used to cross over the CRA to join the elevated Mid-County Parkway embankment.

We have reviewed your submitted drawing, and our general comments and requirements are as follows:

1. The proposed roadway embankments above and adjacent to the CRA, as shown on the submitted drawing, will subject the CRA to increased vertical loading. The original design and construction of the CRA did not anticipate the construction of projects like SR79 and the Mid-County Parkway. Therefore, the design of the SR79 realignment and Mid-County Parkway project must consider and mitigate for any and all impacts associated with increased vertical loads imposed on the CRA. Vertical loads of concern can be generated by construction, dead, live, and seismic loads. Depending upon the type and configuration of loading imposed on the CRA by new facilities, the CRA is unlikely to be able to accommodate the increased loading from a proposed facility if it exceeds the structural limit of the CRA. Table 2 indicates the specific locations of the Casa Loma Siphon First Barrel that was designed for live loads (road crossings) and dead loads only.

Please note that sufficient geotechnical exploration, testing, and analyses must be conducted to allow evaluation of the increased loads on the CRA. Geotechnical exploration for the design must also consider that protective systems and/or mitigation facilities associated with increased vertical loading might be required for the final design of the SR79 and Mid-County Parkway projects.

2. The construction of roadway embankments above and adjacent to the CRA may subject the CRA to settlement, which would be unacceptable. Depending upon the configuration and location of the embankments relative to the CRA, the CRA may be subject to lateral deformation as well. Please note that the imposition of lateral loads on our pipeline is not acceptable. As a result, roadway embankments planned to be built adjacent to the CRA right-of-way must consider possible deformation of the CRA caused by their construction. No embankments will be permitted within the limits of our right-of-way. Before the proposed development can be approved, a site-specific geotechnical report showing the predicted settlement of the CRA at 10-foot intervals, along with the method of settlement

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analysis, laboratory testing results and any other supporting documents, must be submitted. The three-dimensional configuration of the proposed grading and in-situ soils in terms of the actual size and varying depth of the fill, alluvium, etc., and depth of bedrock and ground water elevation must be collectively considered when determining the settlement along the alignment. The settlement calculation must be carried out at least 10 feet past the point of zero settlement in each direction. The possible settlement due to soil collapse (hydro-consolidation) must also be included in the geotechnical report.

The site-specific geotechnical report must also check slopes and fills affecting the pipeline for stability during an earthquake with an average return period of 475 years corresponding to a 10 percent chance of exceedance in 50 years.

The geotechnical analysis must also determine if lateral forces are imposed upon the CRA due to the new embankments proposed for the Mid-County Parkway. Please note that additional lateral forces on the siphon are not acceptable.

3. The submittal provided information on basic geometric design and some information regarding proposed site grades. However, the submittal did not provide information on anticipated structure locations and associated foundation types (shallow or deep). Since structure location and foundation type relative to the CRA will impact their design and acceptance, such information must be submitted with subsequent submittals. In addition these structures should be located such that they do not limit our ability to excavate our pipelines without shoring, for repair or replacement purposes.
4. Similar to the concerns associated with the construction of embankments adjacent to the CRA, structures and foundations proposed to be built above and near the CRA must not impose loads, vertical or lateral, onto the CRA or result in deformations to the CRA. No loads from the bridges may be imposed on the siphon. Please note that sufficient geotechnical exploration and testing, and geotechnical and structural analyses must be performed to demonstrate that structures and foundations constructed above and near the CRA will not have an adverse impact to the CRA by their construction and operation. We require that information on

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new bridges and foundations near the pipeline be submitted to Metropolitan for review and approval.

5. The construction of roadways and embankments adjacent to the CRA right-of-way may result in trapped surface drainage along the CRA. To ensure that drainage of the CRA right-of-way is maintained and that water will not pond within or adjacent to the CRA, provisions for drainage must be included in the project design. In addition, Metropolitan must be able to dewater the CRA by discharging water into the drainage system. These drainage structures are listed in Table 1.
6. The geotechnical exploration, testing, and analyses program conducted to support the design of the SR79 and Mid-County Parkway projects must also consider the data needs to evaluate potential impacts to the CRA facilities, and to support design efforts for required structural and geotechnical mitigation.
7. The construction of the SR79 Extension and Mid-County Parkway projects must provide for the continuing operation and maintenance of the CRA, including access to the entire alignment of the CRA and all of its above ground facilities. The final design must include provisions to ensure this requirement.
8. Since this portion of the SR79 Extension and Mid-County Parkway projects is in the planning preliminary design stage, additional comments will likely be generated as the design process continues and progresses.

Besides the general criteria stated above, the following are Metropolitan's comments on specific features of the submitted design:

1. The main SR79 roadbed (Station 10928+00), two SR79 north bound off-ramps (Stations 10923+00 and 10923+90) and a south bound on-ramp (Station 10929+90) are proposed to be supported by embankments constructed directly above the CRA. This proposal is not acceptable to Metropolitan, and will need to be revised.

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2. The configuration and height of the proposed roadbed embankments adjacent to the CRA right-of-way will induce settlements and possibly lateral deformations of the CRA. Geotechnical borings drilled for the SR79 project indicate that soft, saturated clay soils exist in the upper 30 feet in the area of the interchange. Based upon the geometry and heights of the embankments adjacent to the CRA right-of-way, and the presence of the compressible clay soils, it is judged that the magnitude of induced deformations to the CRA, both total and differential settlement, and possibly lateral displacement, will be unacceptable. As a result, sufficient geotechnical exploration, testing, and analyses must accompany the final design of the interchange to evaluate potential deformation of the CRA and to demonstrate that proposed mitigation included in the final design is capable of preventing settlement and deformation of the CRA. Potential mitigation could include the incorporation of protective systems, increased bridge spans, or realignment and redesign to minimize or eliminate deformation of the CRA.
3. The submitted plan did not provide locations of foundations proposed for the interchange. Ultimately, this information will need to be submitted, since foundations for interchange structures (shallow and deep), including bridge abutments and piers, constructed near the CRA may impose loads (vertical and lateral) on the CRA, or induce settlement or deformations of the CRA. Sufficient analyses and supporting calculations must be provided to demonstrate that proposed structure and foundation locations and designs will not impose loads unto or induce deformation of the CRA. In general, adequate setbacks for structures and foundations are the best mitigation. At a minimum they should be located at such a depth that it does not interfere with Metropolitan's ability to excavate the CRA or install a possible additional pipeline within our right-of-way.

Mid-County Parkway

1. Main Roadway

- The main roadway will be built on an approximately 25-foot-high, 100-foot-wide embankment that parallels the CRA between the SR79/Mid-County Parkway interchange and Warren Road. Although the main embankment is not being built directly above the CRA, based upon the

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configuration of the embankment, its proximity to the CRA, and the geotechnical characteristics in the area, it is judged that ground deformations to the CRA could still result from the proposed Mid-County Parkway. Please note that sufficient geotechnical exploration, testing, and analyses must be conducted to evaluate potential deformation of the CRA and to demonstrate that the proposed alignment will not adversely impact the CRA with respect to settlement and lateral deformation.

- The side of the roadway embankment between the SR79/Mid-County Parkway interchange and the Cawston Avenue extension adjacent to the CRA right-of-way appears to be supported by a retaining wall. The potential impact of the proposed retaining structure, including its foundation, on the CRA must be evaluated. Please note that sufficient analyses and supporting calculations must be provided to demonstrate that the proposed retaining structure and its foundation will not adversely impact the CRA with respect to settlement and lateral deformation.
- The general drainage pattern in the area of the CRA is sheet flow, typically toward the San Jacinto River to the north. The construction of the Mid-County Parkway embankment adjacent to the CRA will likely disrupt significant portions of the current drainage patterns. Please note that project designs, with supporting calculations, must be provided to demonstrate that drainage patterns interrupted by the roadway embankment will be restored and modified properly to ensure that drainage of the CRA right-of-way is maintained and that ponding within or adjacent to the CRA right-of-way will not occur.

2. Bridge Street

Bridge Street as proposed near Station 10919+00 is not acceptable. If the roadway is at existing grade, a permanent cast-in-place concrete protective slab configured in accordance with Sketch SK-1, can be used to protect the aqueduct from additional vehicle loads. If the proposed roadway crossing over our property is elevated, it must span across our property with a bridge structure. The pipeline in this area should also be analyzed for settlement

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and deformation as a result of the placement of embankment adjacent to our right-of-way. Please note that permanent piles for protective systems, if utilized, must be installed in drilled holes. Driven piles may not be used within the limits of our right-of-way. There must be a minimum of 10 feet of clearance between the pipe and the edge of the drilled hole. The piles must not transfer any load to the siphon. This bridge should be designed such that there is a minimum of 22 feet of clearance between the bottom of the proposed bridge and the existing ground level.

3. Sanderson Avenue Relocation

A protective structure exists at the existing Sanderson Avenue crossing of the CRA (Sta. 10933+50). If the proposed at-grade crossing of Sanderson Avenue is relocated to Station 10937+90, protective measures to protect the aqueduct from vehicle loads must be constructed. A slab as described above can be used to protect the CRA from vehicle loads. Metropolitan's access should also be maintained across this street.

4. Cawston Avenue and Odell Avenue Extensions

- The proposed at-grade crossing of Cawston Avenue near Station 10964+50 is not acceptable. The proposed crossing requires protective measures to protect the CRA from vehicle loads. A slab as described above can be used for protection of the CRA
- The proposed at-grade crossing of Odell Avenue near Station 10992+00 is also not acceptable. There is an existing blowoff structure at Station 10992+10 at the proposed road crossing. We require that the road be relocated so that it does not disrupt Metropolitan's ability to access and operate this structure. In addition, construction of Odell Avenue requires protective measures to protect the aqueduct from vehicle loads. A slab as described above can be used for protection of the CRA at the Odell Avenue road crossing.

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5. Warren Road – Mid-County Parkway Connection

The reconfiguration of Warren Road for its connection to the Mid-County Parkway spans the CRA with a bridge near Station 11017+50. The embankment located within the southern boundary of Metropolitan's right-of-way is not acceptable. This embankment must be moved outside of our right-of-way. Please note that sufficient analyses must be conducted to demonstrate that the proposed bridge abutment locations, and the approach ramp locations and configurations, will not adversely impact the CRA. Plans for the bridge, supports, and foundation must be submitted to Metropolitan for review and approval. In addition, we require a minimum of 20 feet of clearance between the existing ground level and the bottom of any bridge structure.

Facilities constructed within Metropolitan's fee properties and/or easements shall be subject to the paramount right of the Metropolitan to use its rights-of-way for the purpose for which they were acquired. If at any time Metropolitan or its assigns should, in the exercise of their rights, find it necessary to remove any of the facilities from its rights-of-way, such removal and replacement shall be at the expense of the owner of the facility.

For any further correspondence with Metropolitan relating to this project, please make reference to the Substructures Job Number located in the upper right-hand corner of this letter. Should you require any additional information, please contact Shoreh Zareh at (213) 217-6534.

Very truly yours,



Kieran M. Callanan, P.E.
Manager, Substructures Team

SZ/ly
DOC 2001-06-008-3
Enclosure

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

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cc: Mr. Hideo Sugita
Deputy Executive Director
Riverside County
Transportation Commission
P.O. Box 12008
Riverside, CA 92502-2208

ATTACHMENT

Mid-County Parkway and SR79 Interchange MWD Colorado River Aqueduct

Table 1

Existing Structure	Station
Manhole	10912+10
Manhole	10932+00
Blowoff structure	10943+14
Manhole	10952+10
Manhole	10972+10
Blowoff structure	10992+10
Blowoff structure	10997+10
Blowoff structure	11002+10
Air Valve structure	11006+70
Manhole	11012+00

Table 2

From Station	To Station	Maximum Cover (ft)	Maximum Live Load	Description
10899+00	10900+60	Existing only	GVW 8,000 lbs	Designed for DL only
10900+60	10901+36	6	AASHTO H20	Road Crossing: North Central Avenue
10901+36	10920+73	Existing only	GVW 8,000 lbs	Designed for DL only
10920+73	10921+49	6	AASHTO H20	Road Crossing: Central Avenue
10921+49	10932+97	Existing only	GVW 8,000 lbs	Designed for DL only
10932+97	10933+79	3-4	AASHTO H20	Road Crossing: Sanderson Avenue
10933+79	1019+79	Existing only	GVW 8,000 lbs	Designed for DL only
11019+79	11020+55	6	AASHTO H20	Road Crossing: Pico Road/Warren Road
11020+55	11022+00	Existing only	GVW 8,000 lbs	Designed for DL only

Note: DL = dead load

GEOTECHNICAL GUIDELINES

Revision Date: 02/15/2013

1. Introduction

Metropolitan conveyance system, as defined below, is very sensitive to deformation and loading. Thus, its protection is of paramount importance to Metropolitan and any projects that occur in the vicinity or over it require a high level of technical analysis and review to ensure there are no adverse impacts to it compromising the continuity and reliability of the Metropolitan conveyance system. As such, the purpose of Geotechnical Guidelines is to provide a brief outline of the work to be performed to evaluate and determine the adverse impacts, if any, of various stages of project development on the structural integrity of the conveyance system. The guidelines require performing geotechnical/geological exploration and engineering analyses, providing geotechnical recommendations, and producing reports. Please note that these minimum requirements set forth in the guidelines cannot be expected to cover all possible conditions encountered for proposed developments. Any adverse impacts to the Metropolitan conveyance system, as determined by Metropolitan, will need to be mitigated to the satisfaction of Metropolitan.

2. Definition

Metropolitan's tunnels, canals, pipes, siphons, cut-and-cover conduits, and their appurtenant structures (such as transitional structures, manholes, etc.) are called herein as "the conveyance system."

3. Geotechnical Exploration and Testing

- 3.1 Sufficient and complete geotechnical exploration and testing shall be performed to adequately and fully characterize the subsurface ground and groundwater conditions beneath and adjacent to the conveyance system, and to provide suitable geotechnical information and data to substantiate parameters used and analysis/calculations performed, evaluate potential impacts and determine the adverse effects of the development on the impacted reach of the conveyance system.
- 3.2 The type of subsurface exploration, testing, and sampling methods utilized should be appropriate for the ground and groundwater conditions. Acceptable exploration methods would include hollow-stem auger, rotary wash, air rotary, or bucket-auger drilling, Cone Penetration Testing (CPT), and shallow trenches

and test pits. Sampling methods could include Standard Penetration Tests (SPT), ring samplers, continuous core, and Shelby tube.

- 3.3 The number and spacing of explorations shall be as needed to provide the specified subsurface characterization as determined by the complexity and variability of the geotechnical site conditions, or needs of the required geotechnical analysis to be performed. Closely spaced explorations may be necessary if highly variable subsurface conditions are expected or encountered along the impacted reach of the conveyance system affected by the proposed development. Closely spaced explorations may also be needed if subsequent information is needed to complete or perform analyses.
- 3.4 Exploration shall be drilled/excavated as close as possible to the conveyance system impacted by the proposed development, but no closer than 10 feet to the outside faces of the conveyance system. All exploration methods and locations shall be staked in the field and approved by Metropolitan prior to mobilizing of field exploration equipment.
- 3.5 Exploration shall be drilled to a depth of at least 5 feet into bedrock or formational material in order to provide adequate information regarding subsurface stratigraphy below the bottom of the conveyance system. In areas of deep underlying bedrock or formational material, the minimum depth of exploration shall be at least 50 feet below the bottom elevation of the conveyance system.
- 3.6 Disturbed and relatively undisturbed samples shall be collected at a maximum of 5-foot intervals using sampling equipment compatible with the subsurface conditions encountered and the sample types needed for laboratory analyses. Sufficient samples shall be collected to fully and adequately characterize the subsurface conditions and provide enough samples to perform laboratory testing and substantiate soil properties and geotechnical design parameters. Acceptable sampler types would include, but are not limited to, SPT sampler, modified California ring sampler, Shelby tube sampler, Pitcher core sampler, and core barrel. Sampling intervals shall be reduced if more closely spaced data is required for evaluation. In addition to drive samples, bulk samples shall be collected at selected depths for index property testing. A minimum of one bulk sample shall be taken from every subsurface exploration, but consideration should be given to collecting additional samples as appropriate.
- 3.7 Groundwater depth measurements shall be taken and recorded when groundwater is encountered within subsurface explorations. Explorations shall be left open as required to allow the groundwater level to stabilize. The depth to groundwater shall be measured again, after the groundwater level in the

exploration has stabilized. Both groundwater levels and the time and date of the measurements shall be noted on the exploration logs. For construction or developments that will require dewatering, consideration must be given to the installation of groundwater monitoring wells.

- 3.8 Geophysical testing methods such as seismic refraction surveys and down-hole (up-hole) tests may be used to supplement exploratory borings and test pits to characterize subsurface conditions, especially to identify the depth to bedrock or formational material. Geophysical testing methods would also be appropriate if highly variable subsurface conditions are anticipated or to better define the subsurface conditions along the impacted reach of the conveyance system.
- 3.9 Laboratory testing shall be performed on samples collected during the field explorations. The number and frequency of tests performed shall be sufficient to characterize the properties of the earth materials throughout the length of the conveyance system impacted by the proposed development and substantiate the geotechnical parameters utilized in analyses. The type of the tests performed will depend on the type and distribution of the earth materials encountered during field explorations, and the geotechnical input parameter requirements of the analysis needed to be conducted to evaluate potential adverse effects of the proposed development on the impacted reach of the conveyance system. All tests shall be conducted in accordance with industry accepted standards of practice. Appropriate tests would include, but not limited to, in-situ moisture content and dry density, grain size analyses (sieve, or sieve and hydrometer analyses), Atterberg Limits tests, strength testing (direct shear, unconfined compression, and tri-axial), consolidation testing, hydro-consolidation tests (collapse), and maximum dry density testing.

4. Required Geotechnical Analysis

Geotechnical analysis shall be required to support all planned development adjacent to the conveyance system. The type of required analysis will depend upon the type of development planned adjacent to or over the conveyance system, and the potential impacts to the conveyance system associated with the planned development. All geotechnical analysis conducted and submitted to Metropolitan shall be performed in accordance with industry accepted methodologies and standard geotechnical practice. Geotechnical analysis submitted shall clearly indicate, identify, and explain all assumptions, methods, procedures, and input parameters used. The results of the geotechnical analysis shall include all calculations and appropriate supporting documentation, and shall fully describe the findings and conclusions of the analysis as these results pertain to the impacted reach of the conveyance system.

Minimum requirements for geotechnical analysis to be submitted to Metropolitan are provided in the following sections, which are classified by the type of development construction. Depending upon the type and extent of proposed development, and the potential adverse affects to the conveyance system, all applicable geotechnical analysis indicated herein shall be provided to Metropolitan for review.

4.1 **Embankments** – The following minimum requirements for geotechnical analysis pertain to all embankments, fills, roadways constructed above and adjacent to the conveyance system, including embankments supported by retaining structures. Four areas of concern associated with embankments shall be addressed by geotechnical analysis.

- Increased load imposed on the affected reach of the conveyance system, both horizontal and vertical under static and dynamic conditions.
- Induced deformation of the affected reach of the conveyance system, both settlement and lateral displacement under static and dynamic conditions.
- Induced instability of the affected reach of the conveyance system under static and dynamic conditions.
- Minimum clearances of installations and constructions.

Minimum requirements for geotechnical analysis and supporting documentation related to embankments are as follows:

4.1.1 Based upon the results of field explorations and laboratory testing, a geologic map shall be prepared of the impacted area of the conveyance system, at a scale appropriate for the project (preferred scale 1 inch = 40 feet). The map shall clearly indicate the location of the proposed development relative to the conveyance system with Metropolitan Station numbers, and the locations of all field explorations (borings, CPT's, testpits, seismic refraction lines, etc.). The geologic map shall also include reference to the vertical datum utilized. Observed geologic contacts, bedding, foliation, clay seams, joints, faults, shear zones, and other relevant geologic information shall be noted on geologic map, as appropriate. The horizontal limits of the geologic map shall extend at least 200 feet normal to, and on both sides of the conveyance system,

and at least 200 feet beyond the limits of the proposed development along the conveyance system.

- 4.1.2 The proposed grading plan for the development shall also be submitted. This plan shall be prepared at the same scale with the same horizontal limits as the geologic map discussed above, showing both the existing and proposed grading topographic contour lines. The geologic map can be combined with the proposed grading plan provided that the required information can be clearly conveyed in the combined format.
- 4.1.3 One longitudinal profile along the conveyance system shall be prepared at the same scale as the grading plan, showing the affected reach of the conveyance system with Metropolitan Station numbers. The profile shall show existing grade and proposed finished grade surfaces, groundwater elevation, subsurface elevations and conditions, bedrock elevations, as well as locations of projected field explorations.
- 4.1.4 Transverse cross-sections normal to the conveyance system shall also be prepared. The transverse cross-sections shall be provided at a minimum spacing of 20-foot on center, referenced to Metropolitan Station numbers of the conveyance system, and shall show all information required above for the longitudinal profile, including scale used. The cross-sections shall also include the embankment location, height and configuration, and its minimum horizontal setback to the conveyance system. Adjustments can be made in the spacing of the transverse cross-sections depending upon the variability of the existing ground or finished grade surface, and subsurface conditions. However, if abrupt, drastic, or sudden changes occur in the conveyance system plan and profile as well as existing ground or proposed finished grade surfaces, and/or the subsurface stratigraphy along the conveyance system, then additional transverse cross-sections shall be prepared at such locations.
- 4.1.5 Stress analysis using formulas based on the theory of elasticity (such as Boussinesq, Westergaard, etc.) shall be conducted at 10-foot intervals along the impacted reach of the conveyance system to determine the total and incremental loads imposed on the conveyance system by the proposed embankment. The analysis shall consider both vertical and lateral imposed loading on the conveyance system, and shall consider the three-dimensional configuration of the grading for the proposed development and the conveyance system. If the embankment includes a roadway or other sources of traffic loading, the analysis shall include generated live and dead loads. The results of the increased induced-loading shall be presented in both tabular and graphical formats, and

shall present the vertical and horizontal components separately. All results shall be presented relative to the Metropolitan Station numbers of the conveyance system.

4.1.6 Settlement/rebound analysis shall be performed at 10-foot intervals along the impacted reach of the conveyance system to evaluate induced vertical deformation to the conveyance system due to the proposed development. If the embankment includes a roadway, or other sources of traffic loading, the analysis shall include generated live and dead loads. The analysis shall be based on one-dimensional Terzaghi's consolidation theory using representative consolidation test results performed on undisturbed samples collected from the foundation soil, underlying the conveyance system, during the field exploration. The settlement/rebound analysis shall consider the three-dimensional configuration of the grading for the proposed development and the conveyance system, and shall be conducted for points along the conveyance system at least 10 feet beyond both sides of any zero-settlement/rebound points within the impacted reach of the conveyance system. Settlement/rebound analysis due to hydro-consolidation and/or swelling of the foundation soil underlying the conveyance system caused by fluctuation of the groundwater or infiltration of surface water shall be performed. The results of settlement/rebound analysis loading shall be presented in both tabular and graphical formats. The tabular listing of the estimated settlement/rebound shall include the elevations of the bottom of the conveyance system, the alluvium/bedrock contact, groundwater, existing ground surface, and proposed finished grade surface. The table shall present results relative to Metropolitan Station numbers. The graphical representation of the settlement/rebound analysis shall show the estimated settlement/rebound values plotted against Metropolitan Station numbers.

4.1.7 Based on the results of the stress analysis (Item 4.1.5) performed on transverse cross-sections (Item 4.1.4 above), slope stability analysis using Spencer's Method shall be performed on the most critical sections. The critical transverse sections shall be selected in terms of the maximum height of the fill for the proposed development as well as the minimum burial depth of the conveyance system and its minimum horizontal clearance from the toe of the proposed embankment slope. The slope stability analysis on each of the critical sections shall be performed initially for static loading conditions by identifying potential sliding blocks/failure surfaces with minimum factor of safety values that contain the impacted reach of the conveyance system. For each critical section, the identified potential failure plane/failure surface shall be

plotted and labeled with the corresponding calculated static factor of safety and yield acceleration value. If the yield acceleration value for a critical cross-section is equal to, or lower than, the zero period peak horizontal ground acceleration (zero period acceleration = ZPA) discussed under “Seismic Design Criteria,” then a seismic deformation analysis using the simplified Makdisi-Seed method shall be performed; a seismic deformation analysis will not be required if the yield acceleration exceeds the ZPA value. The results of the slope stability analysis shall be presented in tabular form. The table shall present the estimated static factor of safety and seismically induced lateral deformation along the corresponding Metropolitan Station numbers for each critical section.

- 4.1.8 Based on the results of stress, settlement/rebound, and slope stability analyses results, critical sections shall be selected along the impacted reach of the conveyance system to perform more refined deformation analyses under both static and seismic loading conditions. Depending on the configuration of the proposed embankments and its proximity to the conveyance system, two- and/or three-dimensional nonlinear finite element/finite difference analysis shall be performed on the selected critical sections.

The analyses shall consist of three parts: 1) static (gravity) analysis to evaluate initial stresses in the foundation soil, before an input earthquake motion is applied; 2) dynamic analysis to evaluate responses and deformations of the conveyance system to the combination of gravity and the input earthquake motion; and 3) post-earthquake analysis to evaluate deformations of the conveyance system under the gravity load alone, following the effects of earthquake shaking on properties, stresses, and strains within the foundation soil.

The embankment/foundation soil, containing the conveyance system, in the section shall be discretized into homogeneous, isotropic triangular/quadrilateral elements and nodal points, resulting in a finite element/finite difference mesh. Each soil element shall be characterized by its geometry, total unit weight, Poisson’s ratio, effective shear strength (cohesion intercept and friction angle), undrained shear strength, residual shear strength (for liquefiable materials), maximum shear modulus, variation of normalized shear modulus with shear strain, and bulk modulus. For cases where soil degradation to a liquefiable or weakened state during or shortly after seismic shaking is required, excess pore water pressure and or/degradation parameters shall also be specified.

The nonlinear behavior of the embankment/foundation soils shall be incorporated in the analysis by an appropriate nonlinear constitutive model representing the nonlinear behavior of the foundation soils under drain and undrained conditions for both static and under the design MCE event. In addition, degradation of shear modulus due to induced shear strain shall be used in both the static and dynamic analyses.

The structures, including piles, shall be modeled by nonlinear beam column elements. Each end of the element, located below the ground surface, shall be either connected to a nodal point or contained in an element in the foundation soil. Young's modulus, section area, moment of inertia, and yield shear and moment shall be specified for each beam element.

For the static analysis, the nodal points located on lateral vertical boundaries of the mesh shall be set on vertical rollers and the nodal points located on the horizontal base of the mesh shall be fixed both in the horizontal and vertical directions.

For dynamic analysis, however, the lateral boundaries shall be connected to transmitting boundaries representing free-field conditions; and the base of the section shall be connected to a compliant base, representing a linear elastic half-space underlying the section. The compliant base prevents the trapping of seismic energy within the discretized system above the base and in effect simulates the application of the input motion at the surface of a hypothetical bedrock outcrop. The properties of the half-space shall be defined by its unit weight and shear wave velocity.

As discussed under "Seismic Design Criteria," an ensemble of acceleration time histories shall be used with normal and reverse polarity as outcropping motions at the compliant base in the time domain nonlinear dynamic analysis. The analysis shall be carried out for a few second (a quiet zone - Part 3) after cessation of shaking to let all excited elements stop vibrating due to viscous damping in the system and lack of the input acceleration.

The above analyses shall be performed for both the existing conditions and the existing conditions with the proposed embankments.

The analysis results will be used to determine the adverse effects of the induced deformations on the structural integrity of the conveyance

system due to the proposed embankments under gravity load as well as during and after the MCE event at the site. If the calculated displacements at a few locations at the conveyance system and the proposed embankments are appeared to be constant and stationary versus time after the cessation of shaking (during the quiet zone - Part 3), the impacted reach of the conveyance system and the proposed embankments will be considered stable, otherwise, unstable and prone to flow slide and total failure. If the difference between the calculated deformations of the conveyance system under the existing conditions and the existing conditions with the proposed embankments are larger than the allowable value for the conveyance system, appropriate mitigation measures to minimize potential geotechnical-related impacts to the conveyance system shall be submitted to Metropolitan for review and approval.

4.2 **Excavations** – The following minimum requirements for geotechnical analysis pertain to large open excavations, both temporary and permanent, made adjacent to the conveyance system, including reinforced slopes. Submittal requirements for shored excavations and pits constructed adjacent to the conveyance system, including permanent retaining walls, are covered in the next section. Three areas of concern associated with excavations shall be addressed by the geotechnical analysis.

- Induced instability of the conveyance system under static and dynamic conditions.
- Induced deformation of the conveyance system, both settlement and lateral displacement under static and dynamic conditions.
- Minimum clearances of installation and construction.

Minimum requirements for geotechnical analysis and supporting documentation related to excavations are as follows:

- 4.2.1 A geologic map and a proposed grading plan shall be submitted. The requirements for the preparation of the geologic map and grading plan shall be the same as those requirements previously indicated under “Embankments,” Items 4.1.1 and 4.1.2.
- 4.2.2 Transverse cross-sections normal to the conveyance system shall be prepared. The transverse cross-sections shall be provided at a minimum spacing of 20-foot on center, reference to Metropolitan Station numbers

of the conveyance system, and shall show all information previously indicated for the longitudinal profiles, including scale used, under “Embankments,” Item 4.1.3. The cross-sections shall also include the excavation location, depth, and configuration, and its minimum horizontal clearance to the conveyance system. Adjustments can be made in the spacing of the transverse cross-sections depending upon the variability of the existing ground or finished grade surface, and the subsurface conditions. However, if abrupt, drastic, or sudden changes occur in the existing ground or proposed finish grade surfaces, and/or the subsurface stratigraphy along the conveyance system, then additional transverse sections shall be prepared at such locations.

- 4.2.3 Stress analysis using formulas based on the theory of elasticity (such as Boussinesq, Westergaard, etc.) shall be conducted at 10-foot intervals along the impacted reach of the conveyance system to determine the total and incremental loads imposed on the conveyance system by the proposed excavation. The analysis shall consider both vertical and lateral imposed loading on the conveyance system, and shall consider the three-dimensional configuration of the proposed grading for the proposed development and the conveyance system. The results of the increased induced-loading shall be presented in both tabular and graphical formats, and shall present the vertical and horizontal components separately. All results shall be presented relative to the Metropolitan Station numbers of the conveyance system.
- 4.2.4 Settlement/rebound analysis shall be performed at 10-foot intervals along the impacted reach of the conveyance system to evaluate induced vertical deformation to the conveyance system due to the proposed excavations. The analysis shall be based on one-dimensional Terzaghi’s consolidation theory using representative consolidation test results performed on undisturbed samples collected from the foundation soil, underlying the conveyance system, during the field explorations. The settlement/rebound analyses shall consider the three-dimensional configuration of the proposed excavations and the conveyance system, and shall be conducted for points along the conveyance system at least 10 feet beyond both sides of any zero-settlement/rebound points within the impacted reach of the conveyance system. If the alluvium/bedrock contact is not encountered during the field exploration, a minimum alluvial thickness of 50 feet below the invert of the conveyance system shall be considered for the rebound analysis. Criteria for analyzing and presenting the results shall be the same as required for the settlement/rebound analysis under “Embankments,” Item 4.1.6.

- 4.2.5 Based on the results of the stress analysis (Item 4.2.3) on transverse cross-section (Item 4.2.2), slope stability analysis shall be performed on the most critical sections. The requirements for the slope stability analysis shall be the same as the requirements under “Embankments,” Item 4.1.7 and “Seismic Design Criteria,” except the seismic deformation analysis may not be required per Metropolitan’s approval for temporary excavations/cut slopes.
- 4.2.6 If reinforced slopes (soil nails, soil anchors, and rock anchors) are proposed, transverse cross-sections normal to the face of the slope shall be prepared and complete design calculations shall be submitted. The transverse cross-sections shall be prepared as required in Item 4.2.2 above. The design calculations shall clearly indicate all loading conditions considered and design parameters utilized, and shall include stability analyses demonstrating both internal and external stability of the reinforced slope system, as well as global stability. Calculations shall also be submitted to substantiate nail/anchor design. The seismic design of all permanent reinforced slope systems shall incorporate Metropolitan’s “Seismic Design Criteria,” except the seismic design may not be required per Metropolitan approval for temporary slope systems.
- 4.2.7 For all excavations and based on the results of stress, settlement/rebound and slope stability analyses results, critical sections shall be selected along the impacted reach of the conveyance system to perform refined deformation analyses under both static and seismic loading conditions. Depending on the configuration of the proposed excavation and its proximity to the conveyance system, two- and/or three-dimensional nonlinear finite element/finite difference analyses shall be performed on the selected critical sections. The requirements for the deformation analyses shall be the same as the requirements under “Embankments,” Item No. 4.1.8, except the seismic deformation analysis may not be required per Metropolitan approval for temporary excavations/cut slopes. The above analyses shall be performed for both the existing conditions and the existing conditions with the proposed permanent excavations.

The analysis results will be used to determine the adverse effects of the induced deformations on the structural integrity of the conveyance system due to the proposed excavations under gravity load as well as during and after the MCE event at the site. If the calculated displacements at a few locations at the conveyance system and the proposed excavations are appeared to be constant and stationary versus

time after the cessation of shaking (during the quiet zone - Part 3, Item 4.1.8), the impacted reach of the conveyance system and the proposed excavations will be considered stable, otherwise, unstable and prone to flow slide and total failure. If the difference between the calculated deformations of the conveyance system under the existing conditions and the existing conditions with the proposed excavations are larger than the allowable value for the conveyance system, appropriate mitigation measures to minimize potential geotechnical-related impacts to the conveyance system shall be submitted to Metropolitan for review and approval.

4.2.8 If dewatering is required or anticipated to be accomplished as part of the excavation, additional geotechnical submittal requirements shall apply. These requirements are presented under “Dewatering.”

4.2.9 In addition to the design information required herein, a description of the proposed sequence of construction shall be submitted for all excavations, including installation and decommissioning of reinforced slope system elements.

4.3 **Shored Excavations/Retaining Walls** – The following minimum requirements for geotechnical analysis pertain to shored excavations and pits constructed adjacent to the conveyance system, including permanent retaining walls. Four areas of concern associated with shoring/retaining structures shall be addressed by the geotechnical analysis.

- Structural integrity of shoring/retaining system under static and dynamic conditions.
- Induced instability of the conveyance system under static and dynamic conditions.
- Induced deformation of the conveyance system, both settlement and lateral displacement, under static and dynamic conditions.
- Minimum clearance of installation and construction.

Minimum requirements for geotechnical analysis and supporting documentation related to shored excavations and retaining walls are as follows:

- 4.3.1 A geologic map and a proposed grading plan shall be submitted. The requirements for the preparation of the geologic map and grading plan shall be the same as those requirements previously indicated under “Embankments,” Items 4.1.1 and 4.1.2.
- 4.3.2 Where shoring/retaining walls are proposed, transverse cross-sections normal to the face of the shoring/retaining wall shall be prepared. The transverse cross-sections shall be provided at a minimum spacing of 20 feet on center, reference to Metropolitan Station numbers of the conveyance system, and shall show all information previously indicated for the longitudinal profile, including scale used, under “Embankments,” Item 4.1.3. The cross-sections shall also include the location, depth, and configuration of the shoring/retaining walls, and its minimum horizontal clearance to the conveyance system. Adjustments can be made in the spacing of the transverse cross-sections depending upon the variability of the existing ground or finished grade surface, shoring/retaining wall configuration, and the subsurface conditions. However, if abrupt, drastic, or sudden changes occur in the existing ground or proposed finish grade surfaces and/or the subsurface stratigraphy along the conveyance system, then additional transverse sections shall be prepared at such locations.
- 4.3.3 Complete design calculations shall be submitted. The design calculations shall clearly indicate all loading conditions considered and design parameters utilized. Shoring design shall include calculations indicating the anticipated deformations of the shoring system, and the anticipated deformation of the adjacent supported conveyance system. Calculations for the retaining walls shall include stability analysis demonstrating both internal and external stability of the retaining system, as well as global stability. The seismic design of all permanent retaining systems shall incorporate Metropolitan’s “Seismic Design Criteria,” except the seismic design may not be required per Metropolitan approval for temporary shoring systems.
- 4.3.4 If the configuration of the shoring/retaining wall systems includes the use of slopes above the top of shoring/retaining walls, then the analyses requirements for “Excavations” shall also be addressed and submitted.
- 4.3.5 For shored excavations/retaining walls and based on slope stability analyses results, critical sections shall be selected along the impacted reach of the conveyance system to perform more refined deformation analyses under both static and seismic loading conditions. Depending on the configuration of the proposed development and its proximity to

the conveyance system, two- and/or three-dimensional nonlinear finite element/finite difference analyses shall be performed on the selected critical sections. The requirements for the deformation analyses shall be the same as the requirements under “Embankments,” Item No. 4.1.8, except the seismic deformation analysis may not be required per Metropolitan approval for temporary shored excavations/retaining walls. The above analyses shall be performed for both the existing conditions and the existing conditions with the proposed retaining walls.

The analysis results will be used to determine the adverse effects of the induced deformations on the structural integrity of the conveyance system due to the proposed shored excavations/retaining walls under gravity load as well as during and after the MCE event at the site. If the calculated displacements at a few locations at the conveyance system and the proposed development are appeared to be constant and stationary versus time after the cessation of shaking (during the quiet zone - Part 3, Item 4.1.8), the impacted reach of the conveyance system and the proposed shored excavations/retaining walls will be considered stable, otherwise, unstable and prone to flow slide and total failure. If the difference between the calculated deformations of the conveyance system under the existing conditions and the existing conditions with the proposed shored excavations/retaining walls are larger than the allowable value for the conveyance system, appropriate mitigation measures to minimize potential geotechnical-related impacts to the conveyance system shall be submitted to Metropolitan for review and approval.

4.3.6 In addition to the design information required herein, a description of the proposed sequence of construction shall be submitted for all shoring/retaining systems, including installation and decommissioning of temporary shoring.

4.4 **Structures** – The following minimum requirements for geotechnical analysis pertain to all structures constructed above or adjacent to the conveyance system, including pile supported structures. Three areas of concern associated with structures shall be addressed by the geotechnical analysis.

- Increased load imposed on the conveyance system, both vertical and lateral under static and dynamic conditions.
- Induced deformation of the conveyance system, both settlement and lateral displacement under static and dynamic conditions.

- Minimum clearances of installation and construction.

Minimum requirements for geotechnical analysis and supporting documentation related to structures are as follows:

- 4.4.1 A geologic map and a proposed grading plan shall be submitted. The requirements for the preparation of the geologic map and grading plan shall be the same as those requirements previously indicated under “Embankments,” Items 4.1.1 and 4.1.2.
- 4.4.2 The proposed structure layout plan shall be submitted. This plan shall be prepared at the same scale as the grading plan and shall clearly show the locations and dimensions of proposed structures and their foundations, including pile foundations, relative to the conveyance system. Structural foundation plans clearly indicating foundation configurations, depths, and widths shall also be submitted.
- 4.4.3 Longitudinal and transverse cross-sections as required under “Embankments,” Items 4.1.3, and 4.1.4, shall be prepared. These profile and sections shall clearly show the locations, depths, and configuration of proposed structures, and their minimum vertical and horizontal clearances to the conveyance system.
- 4.4.4 Settlement/rebound analysis shall be performed at 10-foot intervals along the impacted reach of the conveyance system to evaluate induced vertical deformation to the conveyance system by structural loads. The settlement/rebound analysis shall be performed and reported as indicated under “Embankments,” Item 4.1.6.
- 4.4.5 Stress analysis shall be conducted at 10-foot intervals along the impacted reach of the conveyance system to determine the total and incremental loads imposed on the conveyance system by the proposed structures. The analysis shall consider both vertical and laterally imposed live and dead loads. In the case of pile foundations, the analysis shall include lateral pile analysis as well as determination of dragdown/uplift forces. The results of the increased induced-loading shall be presented in both tabular and graphical formats, and shall present the vertical and horizontal component separately. All results shall be presented relative to Metropolitan’s Station numbers of the conveyance system.
- 4.4.6 Lateral deformation analysis shall also be performed at 10-foot intervals along the impacted reach of the conveyance system to evaluate induced

- 4.4.7 Based on the stress, deformation, and settlement/rebound analysis results, critical sections shall be selected along the impacted reach of the conveyance system to perform more detail and accurate deformation analyses under both static and seismic loading conditions. Depending on the configuration of the proposed structure and its proximity to the conveyance system, two- and/or three-dimensional nonlinear finite element/finite difference analyses shall be performed on the selected critical sections. The requirements for the deformation analyses shall be the same as the requirements under “Embankments,” Item 4.1.8. The above analyses shall be performed for both the existing conditions and the existing conditions with the proposed structures.

The analysis results will be used to determine the adverse effects of the induced deformations on the structural integrity of the conveyance system due to the proposed structures under gravity load as well as during and after the MCE event at the site, as discussed under “Seismic Design Criteria.” If the calculated displacements at a few locations at the conveyance system and the proposed structures are appeared to be constant and stationary versus time after the cessation of shaking (during the quiet zone – Part 3, Item 4.1.8), the impacted reach of the conveyance system and the proposed structures will be considered stable, otherwise, unstable and prone to flow slide and total failure. If the difference between the calculated deformations of the conveyance system under the existing conditions and the existing conditions with the proposed structures are larger than the allowable value for the conveyance system, appropriate mitigation measures to minimize potential geotechnical-related impacts to the conveyance system shall be submitted to Metropolitan for review and approval.

- 4.4.8 In addition to the design information required herein, if pile foundations are part of the structural design, a description of the proposed construction methods shall be submitted, which shall include provisions, as necessary, for unstable or caving ground conditions, and groundwater.

- 4.5 **Dewatering** – The following minimum requirements for geotechnical analysis pertain to dewatering required for development adjacent to the conveyance system, including temporary construction dewatering. Two areas of concern associated with dewatering shall be addressed by the geotechnical analysis.

- Effectiveness of dewatering system.
- Dewatering-induced settlement of the conveyance system.

Minimum requirements for geotechnical analysis and supporting documentation related to dewatering are as follows:

- 4.5.1 The proposed dewatering plan shall be submitted. The plan shall include a description of the proposed dewatering system, as well as a drawing showing the layout and location of the system. This drawing shall be prepared at the same scale as the grading plan and other applicable development plans, and shall clearly show the locations of the dewatering systems elements, and the locations and dimensions of the proposed excavation/features that require the dewatering relative to the conveyance system.
- 4.5.2 Transverse cross-sections normal to the conveyance system shall be prepared at locations where dewatering systems are proposed. Transverse cross-sections shall be provided as required to illustrate the location and configuration of the excavation and proposed dewatering system, and shall show all information previously indicated for transverse profiles, including scale used, under “Embankments,” Item 4.1.4. The cross-sections shall include the location, depth, and configuration of the excavation requiring dewatering, and its minimum horizontal clearance to the conveyance system. The sections shall show existing grade and proposed finished grade surfaces, subsurface elevations and conditions, as well as locations of projected field explorations.
- 4.5.3 One longitudinal profile along the conveyance system shall be prepared at the same scale as the grading plan, showing the affected reach of the conveyance system with Metropolitan Station numbers. The profile shall illustrate the location and configuration of the excavation and proposed dewatering system, and shall show all information previously indicated for the longitudinal transverse profile, including scale used, under “Embankments,” Item 4.1.3. The profile shall show existing grade and proposed finished grade surfaces, subsurface elevations and conditions, as well as locations of projected field explorations.
- 4.5.4 Calculations supporting the basis for the dewatering plan shall be submitted. These calculations shall provide the basis for the depth, diameter, and number of dewatering wells, and shall include the anticipated drawdown analysis, including the methods, assumptions,

and parameters used for this determination. The results of the anticipated drawdown analysis shall be graphically, showing the projected lowered groundwater surface relative to the conveyance system using both longitudinal and transverse cross-sections.

- 4.5.5 The means and methods that will be used to monitor and verify the dewatering operation shall be provided, including the location of proposed monitoring wells.
- 4.5.6 Details shall be provided for all dewatering wells and monitoring wells used in the dewatering systems. Submitted information shall include, but not limited to, diameter and depth of wells, pipe size and slot configuration, and backfill types and configuration.
- 4.5.7 Analysis shall be conducted to evaluate dewatering-induced settlement of the affected reach of the conveyance system caused by dewatering operation, which will depend on the magnitude of the drawdown and the extent of the cone of depression. The settlement analyses shall be conducted and presented in accordance with the requirements indicated under “Embankments,” Item 4.1.6.

4.6 Trenchless Utility Installations: The following minimum requirements for geotechnical analysis pertain to utility lines being installed adjacent and parallel to, or beneath the conveyance system using trenchless methods of construction, such as jacked casing, horizontal directional drilling, or micro-tunneling. Two areas of concerns associated with the installation of utility lines parallel and adjacent to and beneath the conveyance systems shall be addressed by the geotechnical analysis:

- Stability of excavation and its effect on stability/settlement of the conveyance system
- Effect of shoring system on the conveyance system

Minimum requirements for geotechnical analysis and supporting documentation related to trenchless utility installation adjacent to or beneath the conveyance systems are as follows:

- 4.6.1 A description of the proposed methods and equipment to be used for the installations shall be submitted. The description shall include, but not limited to, methods, procedures, and construction sequencing or

underground mining and excavation, underground excavation support, utility installation within excavation, grouting and backfilling, and protection and support of adjacent features including the conveyance system. The description shall also include installation sizes and dimensions as well as the maximum grout pressure for each foot of ground cover, the maximum grout pressure, and how the grouting pressure shall be controlled so as to avoid displacing and squeezing the ground overlying the jack casing. The proposed methods and procedures for underground mining and excavation shall be compatible with the anticipated ground conditions, and shall include appropriate provisions to maintain and control the stability of the excavation face to prevent loss of ground in advance of the underground excavation. Additionally, if the anticipated ground conditions exhibit characteristics associated with running or flowing ground, a contingency plan to handle such unstable ground shall be provided.

- 4.6.2 Plans of the proposed trenchless utility installations shall be submitted showing the location and configuration of the installation. This drawing shall be prepared at the same scale as the grading plan and other applicable development plans, and shall clearly show the locations of the utility installation, and the locations and dimensions of the proposed excavations/pits that will be used for the installation relative to the conveyance system.
- 4.6.3 Transverse cross-sections normal to the conveyance system shall be prepared at locations where the trenchless utility installations are proposed. Transverse cross-sections shall be provided as required to illustrate the location and configuration of the installation, and shall show all information previously indicated for transverse profiles, including scale used, under "Embankments," Item 4.1.4. The cross-sections shall include working/receiving pit locations, depths, and the minimum vertical/horizontal clearances from the conveyance system.
- 4.6.4 Calculations shall be submitted to support the proposed trenchless utility installation. These calculations shall include, but not limited to, structural capacity of all casing and other underground excavation support elements, and required jacking/tunneling pressures. For the case of utility installation underneath the conveyance system, analyses shall be submitted evaluating load transfer from a jacked casing/directional bore/micro-tunnel via skin friction onto the conveyance system.

- 4.6.5 Geotechnical analysis requirements previously indicated for shored excavation/retaining walls shall be submitted for all shored excavations and shoring systems required in conjunction with the trenchless utility installation. The required shoring calculations shall also demonstrate that the proposed shoring system can resist anticipated loads imposed onto the shoring from jacking or tunneling activities.
- 4.6.6 If dewatering is required or anticipated as part of the trenchless utility installation, the analyses requirements indicated under the “Dewatering” shall be submitted.

5. **Seismic Design Criteria**

The following briefly describes Metropolitan’s seismic design criteria shall be used to evaluate the adverse impacts, if any, of the proposed development on the structural integrity of the conveyance system.

- 5.1 Metropolitan’s seismic design criteria are in accordance with the IBC 2009. The criteria entail determining an earthquake magnitude and developing a horizontal acceleration response spectrum at 5 percent damping. Based on the IBC 2009, the response spectrum shall be based on both probabilistic seismic hazard analysis (PSHA) and deterministic seismic hazard analysis (DSHA). The PSHA results shall represent a seismic event with an average return period of about 2500 years (2 percent probability of exceedance in 50 years). The DSHA results shall be based on the median (50 percentile) acceleration from the controlling fault multiplied by 1.5. The controlling fault and its maximum considered earthquake (MCE) shall be determined. The maximum considered earthquake (MCE) shall be the smaller of the probabilistic earthquake (2 percent probability of exceedance in 50 years based on PSHA) and deterministic earthquake (1.5x median based on DSHA).
- 5.2 For performing the site-specific PSHA and DSHA, at least the three of the most current appropriate attenuation relationships shall be selected and average acceleration values shall be used to establish a site-specific response spectrum at 5 percent damping. The attenuation relationships shall represent the subsurface condition at the site and the rupture mechanism (style of faulting) of the controlling fault(s). The DSHA and PSHA acceleration values shall be compared and the lower ones shall be selected as a design response spectrum at 5 percent damping. Please note that if the proposed development cross or run parallel and close to the conveyance system with varying distances to the controlling faults, a site-specific design response spectrum shall be developed

and submitted to Metropolitan for review and approval for each segment along the impacted reach of the conveyance system.

5.3 At least three horizontal acceleration time histories shall be developed for use in time-domain nonlinear dynamic analysis for each segment. The design response spectrum at each segment shall be used as the target for the spectral adjustment of the selected recorded time histories. The design response spectrum shall be in accordance with Items 5.1 and 5.2 above. Development of the acceleration time histories for the project site shall entail the following:

- At least three “seed” time histories shall be selected based on the earthquake event controlling either PSHA or DSHA shaking conditions at the site, namely a moment magnitude from the controlling fault and its closest distance to the site. Other criteria which shall be used as guidance in the selection of the seed recorded time histories are:
 - 1) the subsurface condition at the recording station shall be similar to that of the site, and
 - 2) the rupture mechanism (strike-slip, thrust, etc.) shall be similar to that of the controlling fault for the site.
- The response spectra of the selected three seed time histories shall be plotted along with the design response spectrum at 5 percent of damping.
- The selected recordings shall be modified in regard to the frequency content and amplitude so that the resulting response spectra shall generally follow the spectral shape and amplitudes of the target response spectrum.
- The modified time histories shall be base-line corrected such that at the end of the earthquake acceleration, velocity, and displacement values shall be all zero.
- Each base-line corrected acceleration time history along with its velocity and displacement time histories shall be plotted separately on one sheet.
- The response spectra of the base-line corrected acceleration time histories shall be plotted along with the design response spectrum at 5 percent of damping on one sheet.

6. Monitoring of Adjacent Conveyance System

Excavation: When the conveyance system is near a proposed excavation, it shall be monitored before, during, and after the proposed excavation to document any vertical and horizontal movements of the conveyance system due to the proposed excavation. A land surveyor shall monitor the conveyance system at the start and end of each workday on a daily basis during excavation or installation of shoring systems. Monitoring shall be performed at the same time(s) everyday that monitoring is performed. Interpreted survey data shall be made available to Metropolitan within 12 hours after readings are taken. The frequency of measurements shall be doubled or otherwise modified, as directed by Metropolitan, when measurements exceed the threshold values specified by Metropolitan's Pipeline and Facility Design Team. The land surveyor shall immediately notify Metropolitan of any reading exceeding the threshold values. If excessive movement is taking place, the contractor shall modify construction and support procedures, as approved by Metropolitan, to minimize additional ground or shoring system displacement.

The results of measurements shall be tabulated. A report shall be prepared to tabulate the measured displacement levels. The report shall also include information such as measurement location, date, and depth of excavation. The highest measured displacement levels at each point and their relationship to the threshold values shall also be included in the report.

Pile/Sheetpile Driving Operation: When the conveyance system is near a proposed pile/sheetpile (hereon is called "pile") driving operation, it shall be monitored before and during the proposed operation to document any measured peak particle velocity (ppv) at and close to the conveyance system. The monitoring system shall be capable of measuring ppv and frequency level as low as 0.009 in/sec and 0.5 Hz, respectively. The energy transferred to the pile by a hammer, hammer stroke and blow rate, the pile displacement, and both compressive and tensile stresses on the pile shall be simultaneously measured during vibration monitoring as a function of time using either a Saximeter or preferably a Pile Driving Analyzer (PDA). The vibration monitoring system shall undergo certified laboratory calibration conformance at least once a year. And at the time of measurement the vibration monitoring system shall have a certificate that is not expired.

For underground conveyance system (such as pipes, cut-and-cover conduits, and siphons) a downhole waterproof seismograph (e.g., a downhole three dimensional seismograph calibrated to measure ground velocities) shall be installed on the centerline of the conveyance system a maximum of 2 feet above its crown; and three seismographs shall be deployed and positioned on the existing ground surface at zero, 5, and 10 feet intervals from the centerline of the conveyance

system toward the pile being driven. If the conveyance system is at the ground surface (such as canals or transition structures) two seismographs shall be installed next to its concrete lining on both sides; and three seismographs shall be deployed and positioned on the existing ground surface at 5, 10, and 15 feet intervals from the edge of the canal closes to the pile being driven.

The seismographs shall be placed on a straight line normal to the axis of the conveyance system coinciding with the centerline of each pile. These seismographs shall provide ground vibrations at the conveyance system and a few locations at the ground surface to evaluate attenuation of the ground vibrations with distance from the source. The seismographs shall provide the ppv along longitudinal, transverse, and vertical directions of the conveyance system.

When measurements exceed the threshold values specified by Metropolitan, the person who is responsible for the vibration monitoring and analysis shall immediately notify Metropolitan of any ppv reading exceeding the threshold values. If excessive ppv is taking place, the contractor shall modify construction and support procedures, as approved by Metropolitan, to minimize additional ground or shoring system displacement.

The results of measurements shall be tabulated. A report shall be prepared to tabulate the measured vibration levels at the three axes and the associated frequencies. The report shall also include information such as measurement location, date, and source of vibration. The highest measured vibration levels for each axis and their relationship to the threshold values shall also be included in the report.

7. Report Requirements

The required geotechnical exploration, testing, and analysis shall be submitted in a formal report/letter for Metropolitan's review. The presented geotechnical information shall be consistent with project plans and specifications. Geotechnical information submitted shall be signed, stamped and prepared under the supervision of either a Civil or geotechnical Engineer registered in the State of California, and when applicable, a Registered Geologist or Engineering Geologist, registered in the State of California.

Calculations supporting geotechnical design shall be signed and stamped by either a Civil, Geotechnical, or Structural Engineer registered in the State of California. All geotechnical parameters used in support of calculations shall be clearly referenced and substantiated by the performed geotechnical exploration and testing. Structural calculations do not need to be included as part of submitted

geotechnical reports, but sufficient documentation shall be provided with the calculations to identify their purpose and place within a development submittal.

All methods and procedures used for geotechnical analysis, including computer programs, shall be clearly described, referenced, and documented. All assumptions and limitations of analyses shall be fully explained. Results developed by computer programs shall include all input and output data generated, adequately annotated to fully explain the results.

Geotechnical reports/letters shall be logically organized to convey the required information, and shall be prepared as stand-alone documents. Geotechnical reports/letters shall be prepared as concisely as possible, but shall completely describe the explorations, tests, and analyses conducted. Geotechnical reports shall also clearly describe the geotechnical site conditions, and shall state the results of the conducted geotechnical work performed and discuss the potential geotechnical impacts associated with the proposed development on the conveyance system. A discussion as to how the proposed development will impact or not impact the affected conveyance system shall also be included. Geotechnical reports shall provide recommendations for additional geotechnical studies or potential mitigation measures to minimize potential geotechnical-related impacts to the conveyance system, as appropriate for the findings of the geotechnical work performed.

This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

SDU-2-1

This comment describes the Metropolitan Water District of Southern California (Metropolitan) request for continued coordination of the project design with Metropolitan to allow Metropolitan staff to assess the potential for conflicts between Metropolitan facilities and the MCP project and to resolve those conflicts. Please refer to Measure U&ES-8 on page 3.5-14 in Section 3.5, Utilities and Emergency Services, in the Final EIR/EIS, which requires the Riverside County Transportation Commission (RCTC) Project Engineer to prepare plans during final design that show the utility facilities expected to be relocated or protected in place during project construction.

The RCTC Project Engineer is continuing to coordinate the final plans for the proposed MCP crossings of Metropolitan's Colorado River Aqueduct (CRA), Inland Feeder, and Lakeview Pipeline with Metropolitan to ensure these facilities are protected in place. Please note that, since the submittal of this comment letter by Metropolitan in April 2013, RCTC and its geotechnical engineers have continued to provide detailed engineering analyses to Metropolitan regarding the MCP facilities at and near Metropolitan facilities. For example, in September 2014, RCTC submitted the "Preliminary Geotechnical Evaluations Revision 3 Metropolitan Water District Right-of-Way Colorado River Aqueduct Warren Road to State Route 79 Riverside County California" (November 4, 2011, Revision No. 3, September 30, 2014) to Metropolitan. In a letter dated October 28, 2014, Metropolitan noted that the agency had "...reviewed the third revision of the preliminary geotechnical evaluation report and the responses prepared by Kleinfelder [RCTC's geotechnical engineer], and find

¹ Section 15088(a) of the CEQA Guidelines notes that "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response." As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

it is acceptable to Metropolitan. Please submit any additional geotech evaluation as part of the final design for our review...” The October 28, 2014, letter is cited in Chapter 5 and is included in Appendix J in the Final EIR/EIS. The technical report is listed in the technical studies listed in Appendix H in the Final EIR/EIS.

SDU-2-2

The comment requests that the first sentence in the description for Metropolitan on page 3.5-8 in Table 3.5.A be modified as follows (changes shown in italics): “The MCP alignment, at various locations, would be located adjacent to and cross the Metropolitan *CRA, Inland Feeder, and Lakeview Pipeline*.” This change was made as requested in Table 3.5.A in the Final EIR/EIS.

SDU-2-3

The comment states that the project design should ensure that seismically induced displacement of the CRA, Inland Feeder, and Lakeview Pipeline is minimized or avoided. The second paragraph in the subsection titled “Liquefaction” on page 3.11-12 in Section 3.11, Geology/Soils/Seismic/Topography, in the Final EIR/EIS, was refined as follows: “Impacts to the facilities and structures under the MCP Build Alternatives due to liquefaction and seismically induced settlement would be reduced based on designing the project to be consistent with the recommendations of the *Preliminary Geotechnical Design Report for the Project Report and Environmental Document, Mid County Parkway Project, Riverside County, California* (Kleinfelder, March 2008) (Preliminary Geotechnical Report). As noted earlier, detailed site-specific geotechnical investigations would be conducted during final design to refine the recommendations of the Preliminary Geotechnical Report in order to ensure that the project is designed and constructed to current highway and structure design standards to minimize the potential for liquefaction and seismically induced settlement, as required in Measure GEO-1.”

Refer also to Measure GEO-1 on page 3.11-19 in the Final EIR/EIS that requires the preparation and implementation of a *Final Geotechnical Report*, which will focus on refining the recommendations of the Preliminary Geotechnical Report regarding potential geotechnical constraints and refining the project design to address those constraints, including potential seismic impacts. Refer also to Measure U&ES-8 on page 3.5-14 that requires protection in place of existing utilities during construction.

Based on implementation of the findings of the *Final Geotechnical Report* and the “Preliminary Geotechnical Evaluations Revision 3 Metropolitan Water District Right-of-Way Colorado River Aqueduct Warren Road to State Route 79 Riverside County California” (November 4, 2011, Revision No. 3, September 30, 2014), and continued

coordination with Metropolitan, the potential for seismically induced settlement of the existing Metropolitan pipelines in the vicinity of the MCP project would be minimized, and as discussed in Section VI, Geology and Soils, on page 4-44 in the Final EIR/EIS, would be mitigated to below a level of significance under CEQA.

SDU-2-4

The following text was inserted at the end of the discussion of temporary impacts to the Metropolitan utility facilities in the last row in Table 3.5.A on page 3.5-8 in Section 3.5, Utilities/Emergency Services, in the Final EIR/EIS: “The design would also confirm that seismically induced displacement of the CRA, Inland Feeder, and Lakeview Pipeline is minimized or avoided. Static and seismic analyses of potential impacts to the CRA, Inland Feeder and Lakeview Pipeline would be performed in accordance with Metropolitan’s Geotechnical Guidelines.”

SDU-2-5

The analysis in Section 3.10, Water Quality and Storm Water Runoff, in the Final EIR/EIS, concluded that construction and operation of the Build Alternatives have the potential to adversely impact surface water and groundwater quality and that those impacts would be addressed by BMPs that will be required during project construction and operations. Specifically, the *Storm Water Data Report* (SWDR, October 2011) prepared during the Project Approval/Environmental Document (PA/ED) phase documented the criteria and selection of BMPs for incorporation in the Build Alternatives, in accordance with the applicable MS4 permit. If the MCP facility is accepted as a state highway, Caltrans MS4 permit (Order No. 2012-0011-DWQ, or more current permit if one is available at the time construction is initiated) would apply to the project. If the MCP facility is not accepted as a state highway, the existing Riverside County MS4 permit (Order No. R8-2010-003, or more current permit if one is available at the time construction is initiated) would apply to the project.

During final design, the BMPs included in the project will be refined based on the site conditions and available results of soil testing. No substantial changes to the BMPs included in the conceptual design are expected as part of those refinements during final design. The BMPs developed during final design will be documented in the SWDR prepared during the plans, specifications, and estimates (PS&E) phase. Those BMPs will be presented to the Regional Water Quality Control Board (RWQCB) as part of the process to obtain the 401 water quality certification for the MCP.

As discussed in Section 3.10, the Build Alternatives include permanent biofiltration swales and infiltration basins that will allow treated water from the highway facilities

to infiltrate the ground, potentially as deep as existing groundwater levels. Because these treatment BMPs will target constituents of concern from highway surface water runoff, the Build Alternatives would not adversely impact groundwater.

Although Metropolitan has no jurisdiction over the BMPs for the MCP project because none of the proposed BMPs would be located on Metropolitan property, the final SWDR and BMPs included in the MCP project will be provided to Metropolitan as a courtesy for information purposes.

SDU-2-6

The comment requests that disposition of any cultural material recovered on Metropolitan property during project construction be curated in a qualified repository at the expense of the project. Measure CUL-3, on page 3.8-26 in the Final EIR/EIS, requires that handling of cultural material recovered during project construction, including material found on Metropolitan property, will follow the agreed-to protocols detailed in the Memorandum of Agreement (MOA) between the Federal Highway Administration (FHWA) and the State Historic Preservation Officer (SHPO). The MOA is provided in Appendix U, Memorandum of Agreement, in the Final EIR/EIS.

SDU-2-7

This comment indicates that project plans must be submitted to Metropolitan for timely review and notes that specific information on the location of existing Metropolitan facilities was provided in earlier Metropolitan correspondence with RCTC. That information was provided to the RCTC project design team and was incorporated in the conceptual design for the MCP Build Alternatives, and is also included in Table 3.5.A on page 3.5-6 in Section 3.5, Utilities and Emergency Services, in the Final EIR/EIS. For example, Table 3.5.A cites specific features that will be incorporated in the project design as requested by Metropolitan. The *italics* in the following text from Table 3.5.A describe some of those project features: “ In areas where the MCP is running roughly parallel to the CRA, the design would *incorporate elements to ensure that settlement from the roadway embankments is either minimized or avoided*. At the crossing locations, two designs would be utilized. Where the roadway facilities are near ground level, *a protective slab would be built over the CRA, and the roadway would then be placed on a small fill above the slab*. This would minimize the potential for settlement or for other impacts to the CRA. Where the roadway facilities are substantially above ground level, *structures would be built to carry the roadway facilities over the CRA*. This would occur at Warren Road and with the connectors at the interchange with SR-79. *These structures would have a*

minimal vertical clearance of 22 ft above ground at the CRA, as requested by Metropolitan for maintenance purposes. Columns for the elevated structures would be outside Metropolitan's right of way for the CRA, and the designs of these structures would be such that settlement or other impacts to the CRA would be minimized or avoided. The design would also confirm that seismically induced displacement of the CRA, Inland Feeder, and Lakeview Pipeline is minimized or avoided. Static and seismic analyses of potential impacts to the CRA, Inland Feeder, and Lakeview Pipeline would be performed in accordance with Metropolitan's Geotechnical Guidelines." Please also refer to the response to comment SDU-2-1 for discussion of Measure U&ES-8 that requires coordination with utility providers during final design of the MCP project. RCTC will continue to coordinate with Metropolitan as the project design progresses.

This comment letter included several attachments, which provided supporting information for topics raised in the comment letter, as follows:

Mid County Parkway Study Area, MWD Facilities Overlay (1 page): This figure shows the locations of Metropolitan facilities along the alignments of the Build Alternatives. This information was considered in the analyses discussed in Sections 3.5, Utilities/Emergency Services; 3.10, Water Quality and Storm Water Runoff; and 3.11, Geology/Soils/Seismic/Topography, in the Final EIR/EIS. In addition, as acknowledged in correspondence from Metropolitan, Metropolitan and RCTC have worked closely during the planning of the Build Alternatives, to avoid or minimize potential project effects on Metropolitan's facilities.

December 15, 2004, letter "Notice of Preparation for the Draft Environmental Impact Statement/Environmental Impact Report for the Mid County Parkway Corridor Project" (4 pages): This letter provides information on Metropolitan's facilities in the MCP study area and potential concerns regarding possible effects of the Build Alternatives on those facilities. As noted above, Sections 3.5, 3.10, and 3.11 in the Final EIR/EIS considered the effects of the Build Alternatives on those facilities and facility operations.

May 13, 2005, letter "Mid County Parkway Alignment – Conflicts with MWD Facilities" (5 pages): This letter provides detailed information regarding potential conflicts between Metropolitan facilities and the Build Alternatives. That information was considered in the preliminary designs and ongoing design refinements for the Build Alternatives and is reflected in the impact analyses in Sections 3.5, 3.10, and 3.11 in the Final EIR/EIS.

January 8, 2009, letter “Notice of Availability of a Draft Environmental Impact Report/Environmental Impact Statement for the Mid County Parkway Project (7 pages): This letter provided specific comments on a number of topics, which are addressed as follows in the Final EIR/EIS:

Environmental Issues (comments 1 through 6): These comments raise concerns regarding effects on Metropolitan lands in the Lake Mathews MSHCP/NCCP. The Metropolitan comments on the Lake Mathews MSHCP/NCCP were considered in the 2008 Draft EIR/Draft EIS but are not applicable to the Modified Build Alternatives because these alternatives are not located on or near and do not affect any Metropolitan lands in the Lake Mathews MSHCP/NCCP reserve.

Water Quality Issues (comments 7 through 14): The concerns raised in these comments were considered in the analyses in Section 3.9, Hydrology and Floodplains, and Section 3.10, in the Final EIR/EIS.

Facility Issues (comments 15 through 19): The concerns raised in these comments were considered in the analyses in Sections 3.9, 3.10, and 3.11 in the Final EIR/EIS.

Other Issues (comments 3 and 12): Chapter 5 in the Final EIR/EIS reflects correspondence from and coordination with Metropolitan during the environmental process for the Final EIR/EIS.

The January 9, 2009, letter also included the following attachments:

August 31, 2007 (2 pages) and April 18, 2007, letters (5 pages): These comments include concerns regarding effects on the Metropolitan Lake Mathews MSHCP/NCCP and facilities. The Metropolitan comments on the Lake Mathews MSHCP/NCCP were considered in the 2008 Draft EIR/Draft EIS but are not applicable to the Modified Build Alternatives because those alternatives are not located on or near and do not affect any Metropolitan lands in the Lake Mathews MSHCP/NCCP lands. The concerns in these letters were considered in the analyses in Sections 3.9, 3.10, and 3.11 in the Final EIR/EIS.

July 31, 2007, letter (11 pages): This letter raises specific issues regarding potential impacts of Metropolitan facilities as a result of the MCP and the SR-79 projects. As noted above, the facilities’ concerns in this letter regarding the MCP were considered in the analyses in Sections 3.9, 3.10, and 3.11 in the Final EIR/EIS. RCTC has

coordinated the designs of the SR-79 and MCP projects to minimize effects on other infrastructure such as Metropolitan's facilities.

Geotechnical Guidelines (Metropolitan, Revision Date: February 15, 2013, 24 pages):

These are Metropolitan's geotechnical guidelines for the construction and operation of projects in the vicinity of Metropolitan facilities. These guidelines were used by the project engineers in developing the preliminary designs for the MCP Build Alternatives in the vicinity of Metropolitan facilities.

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Executive Staff

Charles Landry
Executive Director

April 10, 2013

SDU-3

Ms. Cathy Bechtel
Riverside County Transportation Commission
P.O. Box 12008
Riverside, CA 92502

**RE: MID COUNTY PARKWAY RECIRCULATED DRAFT
ENVIRONMENTAL IMPACT REPORT/SUPPLEMENTAL DRAFT
ENVIRONMENTAL IMPACT STATEMENT**

Dear Ms. Bechtel:

The Western Riverside County Regional Conservation Authority (RCA) appreciates the opportunity to review and comment on the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Mid County Parkway Project.

The project proposes to improve a 16 mile route between Interstate 215 and State Route 79 generally following the existing Ramona Expressway in the cities of Perris and San Jacinto and in unincorporated Riverside County and would consist of a access controlled freeway. The RCA is submitting these comments on the RDEIR/SDEIS pertaining to the implementation and consistency of the project with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The California Department of Transportation and the Riverside County Transportation Commission are both Permittees under the MSHCP and pursuant to the Implementing Agreement are responsible for ensuring all project approvals are consistent with the MSHCP goals and policies.

The RCA offers the following comments:

1. Figure 3.17.1 – Please note that areas shown as “San Jacinto Wildlife Area Additional Acquisition” were acquired in furtherance of MSHCP as an expansion of Core H and are considered MSHCP Additional Reserve Lands (ARL) managed by the State. The figure also doesn’t reflect RCA-owned ARL lands to the south in the Lakeview Mountains.

SDU-3-1

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2. Table 3.17.C, Pages 3.17-26 through 30, NC-6 – For the purposes of MSHCP Riparian/Riverine mitigation (Determination of Biologically Equivalent or Superior Preservation, DBESP) impact areas generally include unvegetated streambed shown in the table as jurisdictional to CDFG in addition to marsh, riparian forest and riparian scrub. In addition the alkali grassland vegetation is part of the San Jacinto River floodplain riverine system. Please include these areas in the DBESP for the project. SDU-3-2
3. The analysis and measures included addressing wildlife connectivity (Pages 3.17-22 through 25, Appendix I, Attachment E) appropriately recognize the intended Core and Linkage connections expected under the MSHCP and how a large roadway can affect wildlife movement directly and indirectly. The information provided doesn't describe freeway fencing extent (entire right of way?), type of fencing or wildlife escape routes such as one way gates. Given the length of the project's frontage with existing and proposed conservation land how wildlife movement will be directed to the crossings and allowed to escape from inside the roadway fencing should be addressed. SDU-3-3
4. Page 3.17-11, 3.17-42, TE-2 - The document refers the SKR HCP impacts to Stephens kangaroo rat (SKR). The MSHCP does not provide take for SKR with the fee area of the SKR HCP. Take within the SKR HCP is not automatic for non-member agencies however, the project may be able to obtain take coverage through an agreement with the SKR HCP implementing authority, the Riverside County Habitat Conservation Authority (RCHCA). SKR take within the City of San Jacinto is available from the MSHCP since the City is not a member of the RCHCA. SDU-3-4
5. Page 3.17-42, 43 – It would be useful to include a discussion of the impacts from the Hemet to Corona CETAP corridor expected in the MSHCP (Pgs 7-40 through 7-45) in relation to impacts shown in Table 3.17.H, and the cell criteria in the cells that MCP is affecting. SDU-3-5
6. Page 3.17-47 - Please note that the MSHCP requires replacement of Public/Quasi Public lands if the loss will affect Reserve Assembly or function. We recommend this be addressed in the project's Joint Project Review package. SDU-3-6

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| 7. Measure NC-3, Nesting Birds – Please include the width of the proposed buffer for nesting birds, if found. Buffer may have a range depending on the species. | SDU-3-7 |
| 8. AS-2, AS-3 - As noted in the Section 3.20.3.1 suitable burrowing habitat occurs over large areas of the project's temporary and permanent foot print and the focused burrowing owl surveys are not recent. Measures to address possible mitigation options (avoidance, eviction, active relocation) should be included in the Joint Project Review package. Burrowing owl measures can be addressed in the form of a DBESP even if impacts are not certain so mitigation options are clear and can be relied on over the extended construction time frame. We also request to be included in any active relocation of owls prior to construction to assist with the process. | SDU-3-8

SDU-3-9

SDU-3-10 |

We commend the effort undertaken to evaluate the project's consistency with the MSHCP and the potential impacts to Covered Species and look forward to working with you on the Joint Project Review and DBESPs.

Sincerely,



Charles V. Landry
Executive Director

cc: Karin Cleary-Rose, USFWS
Heather Pert, CDFW

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This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

SDU-3-1

Figure 3.17.1 on page 3.17-5 in the Final EIR/EIS was updated to show the San Jacinto Wildlife Area Additional Acquisition as Additional Reserve Lands (ARL) and Regional Conservation Authority (RCA)-owned ARL lands south of the MCP alignment in the Lakeview Mountains.

SDU-3-2

This comment requests that alkali grassland vegetation in the San Jacinto River floodplain be included as riverine areas in the Determination of Biologically Equivalent or Superior Preservation (DBESP). All alkali grassland and crop land in that floodplain are included in the DBESP. The DBESPs for the MCP project are provided in the *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* (2014), provided in Appendix T in this Final EIR/EIS. Please also refer to Section S.5.1, Master Response Related to the Western Riverside County Multiple Species Habitat Conservation Plan, on page S-6, for discussion regarding the requirements of the Western Riverside County MSHCP applicable to the MCP project and how the MCP project was determined to be consistent with the Western Riverside County MSHCP regarding alkali grassland and riverine areas. Please refer to Table 4 in the MSHCP Consistency Determination in Appendix T of this Final EIR/EIS for the acreages of impacts of Alternative 9 Modified with the SJRB DV on riparian and riverine resources including alkali grassland. Table 3.17.C (page 3.17-20 in the Final EIR/EIS) was updated to be consistent with the data in the MSHCP Consistency Determination.

¹ Section 15088(a) of the CEQA Guidelines notes that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

SDU-3-3

This comment notes the extents and types of fencing or wildlife escape routes that should be addressed to show how wildlife movement will be directed to wildlife crossings and allowed to escape from inside the fenced road areas. The subsection titled “Wildlife Corridors/Habitat Fragmentation,” starting on page 3.17-24 in Section 3.17.1, Affected Environment, in the Final EIR/EIS, was revised to include the following text regarding jump-outs and fencing, as previously included on page 3.17-79 in the 2008 Draft EIR/EIS: “These [wildlife crossing] features have been sized appropriately, sited at appropriate distances to convey wildlife, and the intermediary areas will be fenced with wildlife jump-outs to direct wildlife to the crossing structures.” Fencing that will be included in the MCP project is described in Section 4.7, “Section 6.1.4 Compliance -Urban-Wildlands Interface Guidelines” in the MCP MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis (provided in Appendix T of this Final EIR/EIS). Specifically, permanent fencing will be installed along the right-of-way limits for the entire length of the MCP project, including areas adjacent to the Western Riverside County MSHCP Conservation Areas. The fencing will minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in the Western Riverside County MSHCP Conservation Areas and other land uses adjacent to the MCP facility. As discussed in the MSHCP Consistency Determination, RCTC will submit the final design fencing plan to the RCA and Wildlife Agencies prior to construction.

Additionally, as discussed in Section 4.8.2, “Section 7.5.2-Guidelines for Construction of Wildlife Crossings” in the MSHCP Consistency Determination, jump outs and one-way gates will be installed along the segment of the MCP facility road in the vicinity of Crossing No. 10 to allow wildlife to get off the road should they somehow gain access to that area. Figures 23a and 23b in the MSHCP Consistency Determination depict the conceptual design of the fencing plans at dry culverts designed to be used as wildlife crossings. During final design, RCTC will submit the fencing plan for the MCP project in the vicinity of the Extension of Existing Core 4 and the Proposed Constrained Linkage 20 to the RCA and Wildlife Agencies for review and approval.

Please also refer to Section S.5.1, Master Response Related to the Western Riverside County Multiple Species Habitat Conservation Plan, on page S-6, for discussion regarding the requirements of the Western Riverside County MSHCP applicable to the MCP project and how the MCP project was determined to be consistent with the Western Riverside County MSHCP, including wildlife features included in the MCP

project. Please also refer to Section 4.8.2, Section 7.5.2 – Guidelines for Construction of Wildlife Crossings, and Figures 23a and 23b, in the Mid County Parkway MSHCP Consistency Determination including Determination of Biologically Equivalent or Superior Preservation Analysis in Appendix T in this Final EIR/EIS which discuss fencing along the MCP facility, specifically at wildlife crossings.

As discussed in the response to checklist question d, in Section IV, Biological Resources, on page 4-28 in Chapter 4.0, California Environmental Quality Act Evaluation, in this Final EIR/EIS, the effects of the Build Alternatives related to wildlife movement and wildlife corridors were determined to be less than significant under CEQA.

SDU-3-4

This comment clarifies the take coverage for Stephens' kangaroo rat (SKR) and the relationship with the SKR Habitat Conservation Plan (HCP). Please refer to Section S.5.2, Master Response Related to the Stephens' Kangaroo Rat, on page S-39, for discussion regarding the project effects on the SKR and how the potential take of SKR under the Build Alternatives has been addressed.

The last sentence of the third paragraph in the subsection titled "Habitat Conservation Plan for the Stephens' Kangaroo Rat" on page 3.17-8 in the Final EIR/EIS was revised to read: "The MCP project is within the Habitat Conservation Plan for the Stephens' Kangaroo Rat fee area, but outside of the core reserves, and therefore, would qualify to obtain take coverage through payment of fees without having to secure an individual permit. However, public works projects, such as roads, are exempt from fee payment."

The text in the end of the second paragraph in the subsection titled "Habitat Conservation Plan for the Stephens' Kangaroo Rat" on page 3.17-55 in the Final EIR/EIS, was revised to read: "Additionally, construction of transportation improvement projects is identified as a covered activity in the Habitat Conservation Plan for the Stephens' Kangaroo Rat. Therefore, the MCP project is consistent with the Habitat Conservation Plan for the Stephens' Kangaroo Rat and its associated implementing agreement and permit."

Measure TE-2 on page 3.21-21 in the Final EIR/EIS was also revised as follows:

Measure TE-2 Prior to the start of construction, the RCTC Project Manager will ensure "take" is authorized for areas of disturbance to occupied habitat of the Stephens' kangaroo rat through implementation of the measures described in the DBESP for

riparian-alkaline communities in the San Jacinto River floodplain included in the MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis provided in Appendix T.

SDU-3-5

Section 3.17.3.1, Permanent Impacts, in the Final EIR/EIS was updated to include discussion of impacts from the Hemet to Corona/Lake Elsinore Community and Environmental Transportation Acceptability Process (CETAP) corridor that were expected in the Western Riverside County MSHCP in relation to impacts shown in Table 3.17.H in Section 3.17.3.1.

SDU-3-6

This comment recommends replacement of Public/Quasi-Public (PQP) Lands if the loss of those lands will affect Reserve Assembly or function. As discussed in Section 3.3, Impacts to PQP Lands, in the MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis (September 2014) provided in Appendix T of this Final EIR/EIS, there are no permanent impacts to PQP lands as a result of the MCP project. Temporary impacts (expected to take less than 6 months) associated with the bridge construction over the PQP Lands at the Perris Valley Storm Drain will not affect the conservation value of these PQP Lands. No equivalency analysis for PQP loss is required for the project because there will be no permanent loss of conservation value to PQP Lands.

SDU-3-7

This comment requests identification of the width of the proposed buffer for nesting birds, if found. A 300-foot (ft) wide buffer has been committed to for the MCP project, consistent with RCTC's recent commitment in the Biological Opinion for the State Route 91 (SR-91) Corridor Improvement Project. Measure NC-3 on page 3.17-63 in the Final EIR/EIS was revised to read as follows (changes are shown in italics):

“NC-3 Nesting Birds. To avoid effects to *raptors and* nesting birds, the RCTC Project Engineer will require the Construction Contractor to conduct any native or exotic vegetation removal or tree trimming activities outside of the nesting bird season (i.e., *February 15* to September 15).

In the event that vegetation clearing is necessary during the nesting season (i.e., March 1–September 15), the RCTC Resident Engineer will require the Construction Contractor to have the Project Biologist conduct a preconstruction survey *within a 300-foot buffer of project*

activities to identify the locations of listed and nonlisted bird and raptor nests within 3 days of the commencement of construction activities. In addition, if any trees are scheduled to be removed between January 15 and February 15, a preconstruction raptor specific survey would be required prior to removal of any trees. Should nesting birds be found, the RCTC Resident Engineer will require the Construction Contractor to establish a 300-foot exclusionary buffer around the nest developed in consultation among the RCTC Resident Engineer, the RCTC Contract Biologist, the Construction Contractor, and the Project Biologist. This 300-foot exclusionary buffer will be clearly marked in the field by construction personnel under guidance of the Project Biologist, and construction or clearing will not be conducted within this buffer zone until the Project Biologist determines that the young have fledged or the nest is no longer active.”

SDU-3-8

The recommendation that the Joint Project Review (JPR) package include measures, such as avoidance, eviction, and active relocation, to address possible mitigation options for suitable burrowing owl habitat has been addressed in Section 4.6, Burrowing Owl, in the *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis*, which is provided in Appendix T in the Final EIR/EIS. Those measures include focused preconstruction surveys to update the existing surveys to verify the presence/absence of burrowing owl east of the Perris Valley Storm Drain.

SDU-3-9

This comment notes that that burrowing owl measures can be addressed in the form of a DBESP even if impacts are not certain, and that mitigation options are clear and can be relied on over the extended construction time frame. As suggested, burrowing owl measures are addressed in the *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* provided in Appendix T in the Final EIR/EIS. Please also refer to Section S.5.1, Master Response Related to the Western Riverside County Multiple Species Habitat Conservation Plan, on page S-6, for discussion regarding the requirements of the Western Riverside County MSHCP applicable to the MCP project and how the MCP project was determined to be consistent with the Western Riverside County MSHCP regarding the burrowing owl, including measures identified to address the potential project effects on the owl.

SDU-3-10

Measure AS-3 on page 3.20-13 in the Final EIR/EIS was revised to read as follows:

“AS-3 **Burrowing Owl Relocation/Translocation Plan.** If burrowing owls are identified during the preconstruction surveys (required in Measure AS-4) and cannot be avoided between 60 and 90 days prior to any ground-disturbing activities, the RCTC Project Manager and Project Biologist will prepare a *Burrowing Owl Relocation/Translocation Plan*. The RCTC Project Manager and the Project Biologist will submit the Plan to the California Department of Fish and Wildlife (CDFW) and the Regional Conservation Authority for approval prior to any ground disturbing activities. The Plan will include, but not be limited to, the following:

- Passive and, if needed, active relocation of BUOW by a qualified avian biologist.
- Passive relocation activities to exclude BUOW from burrows and to provide artificial burrows elsewhere; BUOW will be passively evicted only during the non-breeding season (September 1 to January 31).
- Active relocation to capture BUOW from original burrows that would be destroyed by construction activity, take them to a new site well removed from the original site, and release them into a new burrow; BUOW will be captured and moved during the non-breeding season or early in the breeding season but just prior to egg-laying (i.e., late January or early February).
- Capture and banding of BUOW for identification and monitoring.
- BUOW will be captured at least 1 week prior to passive or active relocation activities.
- Passive and active relocation sites will be selected and finalized in consultation with the RCA and the Wildlife Agencies.
- Passive and active relocation of owls to the identified relocation sites.
- Monitoring will be conducted prior to, during, and after passive or active relocation efforts.
- Habitat and artificial nest burrow management activities will be conducted at least once annually to maintain conditions that support BUOW.

- Data collection and reporting to the RCA and the Wildlife Agencies regarding the results of presence/absence surveys, nest/burrow locations, locations to which the BUOW were moved, capture and banding data, date and time passively relocated owls were excluded from original burrows or actively relocated owls were released into field enclosures, date field enclosures were removed, nest burrow monitoring visits, burrow habitat characteristics, reproductive success information from nest visits, artificial nest burrow installation and maintenance activities and outcomes, habitat management activities and outcomes, and results of burrow inspections using the infrared video scope.
- A description of passive relocation techniques;
- Methodology for monitoring and inspection of occupied and potentially suitable burrows;
- Description of monitoring frequency to confirm owls have vacated occupied burrows within the MCP project footprint;
- Requirement that any relocation and translocation will occur outside of the breeding season; and
- Requirement that sites proposed for burrowing owl translocation sites will be identified and created in coordination with the wildlife agencies to establish new colonies.

During all site preparation, disturbance, grading, and construction activities in burrowing owl habitat, the RCTC Resident Engineer will require the Construction Contractor to implement the provisions in the *Burrowing Owl Relocation/Translocation Plan*. The RCTC Project Biologist will monitor the Construction Contractor's compliance with the provision of that Plan.

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South Coast Air Quality Management District

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SDU-4

E-mailed: April 11, 2013

cbechtel@rctc.org

April 11, 2013

Ms. Cathy Bechtel
RCTC
P.O. Box 12008
Riverside, CA 92502

Review of the Draft Environmental Impact Report (EIR) for the Mid County Parkway Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above mentioned document. The SCAQMD staff is concerned that the Draft EIR provides an air quality analysis for the proposed project that is not adequate to determine potential air quality impacts pursuant to SCAQMD Guidance and CEQA Guidelines. As a result, the air quality impacts may be understated in the Draft EIR and potentially significant impacts may not have been disclosed to the public.

SDU-4-1

There are several areas in which the Draft EIR has not addressed the potential for air quality impacts. These include the project's regional construction air quality impacts, climate change impacts, and growth inducing impacts, and the lack of quantification of mitigation measure effectiveness. Because of the technical inadequacies of the Draft EIR the SCAQMD staff recommends that the lead agency revise the air quality analysis based on the comments contained within this letter.

Pursuant to Public Resources Code Section 21092.5, we request that the lead agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the final EIR. Additional detailed comments on this project are attached to this letter. Should you have any questions, please contact Dan Garcia at (909) 396-3304.

SDU-4-2

Sincerely,

A handwritten signature in black ink, appearing to read "Ian V. MacMillan".

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

RVC130124-02
Control Number

1. Construction Emissions Analysis

The peak daily construction emissions presented in Table 3.14W of the Draft EIR demonstrate significant NO_x emissions impacts from the project in comparison to SCAQMD regional thresholds; however, the lead agency determined that the proposed project will have insignificant impacts from construction related activities. Specifically, the lead agency concluded that the project's construction emissions would be less than significant as a result of the project's construction activity combined with the implementation of air quality measures AQ-1 through AQ-5. However, the lead agency did not quantify the effectiveness of the air quality measures or substantiate why its strategy to reduce construction emissions results in insignificant air quality impacts. Therefore, SCAQMD staff recommends that the lead agency provide a revised air quality analysis that quantifies the effectiveness of the project's air quality measures (AQ-1 through AQ-5) and uses the SCAQMD's construction emissions thresholds to make a significance determination.¹

SDU-4-3

Further, given that construction activity for the project may result in a temporary increase of traffic congestion (as stated on page 3.14-41 of the Draft EIR) the SCAQMD staff recommends that the lead agency's revised analysis account for any emissions increase resulting from this congestion in the construction emissions analysis. Also, the lead agency's revised emissions analysis should reflect the most current version of RoadMod 7.1.1.

2. Climate Change Impacts

On page 62 of the Air Quality Appendix of the Draft EIR, the lead agency states, "... it is RCTC's determination, that in the absence of regulatory or scientific information related to greenhouse gas emissions and CEQA significance, it is too speculative to make a determination of the project's direct impact and its contribution on the cumulative scale to climate change." Based on Section 15064 and 15064.4 of the CEQA Guidelines the SCAQMD staff disagrees with this conclusion. Specifically, SCAQMD staff refers the lead agency to Section 15064.4(a) that states, "The determination of the significance of greenhouse gas emissions calls for careful judgment by the lead agency consistent with the provisions in 15064." Section 15064(g) of the CEQA Guidelines provides further clarification on the inadequacy of the GHG determination mentioned above by stating "...If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." Therefore, SCAQMD staff requests that since the lead agency is unable to determine if GHG emissions are significant it should revise the project's greenhouse gas emissions analysis to include a determination of significance, and consider all feasible mitigation measures to reduce this impact.

SDU-4-4

3. Growth Inducing Impacts

On page 14 of the Air Quality Appendix for the Draft EIR the lead agency concludes that the project will not have any growth inducing effects. Specifically, the lead agency states that implementation of the project was included and analyzed in the Riverside County General Plan and therefore would not result in unplanned growth. However, the lead agency does not provide any quantitative information or analyses to ensure insignificant growth inducing impacts from the project. Therefore, the lead agency should clarify how the future traffic volumes were determined (2020 horizon year and 2040 build-out year) and demonstrate how these volumes are consistent with the adopted general plan. Any growth inducing impacts

SDU-4-5

¹ <http://www.aqmd.gov/ceqa/hdbk.html>

Ms. Cathy Bechtel

3

April 11, 2013

from potential project alternatives should be analyzed pursuant to CEQA Guidelines §15126
(d) prior to approving the Final EIR.



SDU-4-5

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SDU-4-1

This comment summarizes the South Coast Air Quality Management District (SCAQMD) concerns regarding the adequacy of the air quality analyses provided in the Recirculated Draft EIR/Supplemental Draft EIS. Please refer to the responses to comments SDU-4-3 through SDU-4-5, below, for the responses to the individual SCAQMD comments regarding those concerns. Please note that topics raised in these comments were addressed in the “Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.5)” which was circulated for public review in January 2014. That revised material is included in Sections III, VII, and 4.5, and Table 4.5 in Chapter 4.0, California Environmental Quality Act Evaluation, in this Final EIR/EIS. The additional analyses in Chapter 4.0 are based on the use of the California Environmental Quality Act (CEQA) Guidelines Checklist questions to determine significant effects under CEQA. As a result, the analyses provided in the “Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.5)” are discussed only in Chapter 4.0 in this Final EIR/EIS and are not discussed in Section 3.14, Air Quality, in this Final EIR/EIS. Ultimately, RCTC has fully analyzed all potential air quality impacts associated with the construction and operation of the MCP project.

SDU-4-2

Consistent with the requirements of Public Resources Code Section 21092.5, written responses to the SCAQMD comments on the Recirculated Draft EIR/Supplemental Draft EIS were provided to the SCAQMD no less than 10 days prior to consideration of the Final EIR by the Riverside County Transportation Commission (RCTC).

SDU-4-3

The air quality analyses provided in Section 3.14, Air Quality, in the Recirculated Draft EIR/Supplemental Draft EIS, were prepared using the California Department of Transportation (Caltrans)-adopted protocols and guidance (Standard Environmental Reference July 2011) because the MCP project may become a state highway after construction (refer to page 1-1 in the Final EIR/EIS).

The following was provided in the fifth paragraph in the subsection titled “Build Alternatives” on page 3.6-54 in Section 3.6, Transportation and Traffic/Pedestrian and Bicycle Facilities, in the Recirculated Draft EIR/Supplemental Draft EIS:

“Where roadway closures are proposed, alternative routes of travel will be designated. Where lane closures are required for construction, the hours of operation of the lane closures will be outside of peak travel times to avoid substantial delays to travelers.”

Emission hot-spots occur along roadway links and adjacent to intersections during morning and evening rush hours. By avoiding closing the local roadways during peak traffic hours and maintaining an acceptable level of traffic flow throughout the transportation system during construction (in compliance with Measure TR-1), the construction activities would not result in an increase in local emissions due to traffic congestion. This is because, as discussed on page 3.14-19 in the Final EIR/EIS, the background CO concentrations are lower at the MCP study area intersections than for the intersections in the attainment plan, the project is not expected to result in any concentrations exceeding the 1-hour or 8-hour CO standards.

The comment also requests that the lead agency update the construction emissions using Version 7.1.1 of the Roadway Construction Emissions Model (RoadMod). As discussed in Section III.B in Chapter 4.0 of this Final EIR/EIS, the construction emissions were estimated for the project using the SMAQMD Road Construction Emissions Model, Version 7.1.4, a model approved for use within the South Coast Air Basin by the SCAQMD. Construction-related emissions are presented in Table 4.III.A in Chapter 4.0 in this Final EIR/EIS. The construction emissions listed in Table 3.14.W in this Final EIR/EIS were calculated using Version 6.3.2 of the SMAQMD Road Construction Emissions Model. Therefore, the emissions listed in Tables 3.14.W and 4.III.A do not match. This is because the analysis in Section 3.14 is based on the air quality models accepted by FHWA and Caltrans for analysis under NEPA, while Version 7.1.4 of the SMAMQD's Road Construction Emissions Model was used by RCTC for analysis under CEQA.

Table 4.III.A Maximum Project Construction Emissions before Mitigation (lbs/day)

Project Phases	ROGs	CO	NO_x	Total PM₁₀	Total PM_{2.5}
Grubbing/Land Clearing	16.9	87.8	173.0	157.6	38.0
Grading/Excavation	34.9	172.5	396.9	167.8	46.9
Drainage/Utilities/Sub-Grade	16.4	92.5	147.1	157.9	38.3
Paving	8.3	67.9	67.6	3.7	3.3
Maximum (lbs/day)	34.9	172.5	396.9	167.8	46.9
SCAQMD Thresholds (lbs/day)	75	550	100	150	55

Source: LSA Associates, Inc. (January 2014).

CO = carbon monoxide

lbs/day = pounds per day

NO_x = oxides of nitrogen

PM₁₀ = particulate matter less than 10 microns in size

PM_{2.5} = particulate matter less than 2.5 microns in size

ROGs = reactive organic gases

SCAQMD = South Coast Air Quality Management District

As shown in Table 4.III.A, the NO_x and PM₁₀ emissions during construction would exceed the SCAQMD thresholds. These short-term impacts during construction of the MCP Build Alternatives and their design variations would be adverse and potentially significant under CEQA. The total PM₁₀ and PM_{2.5} emissions listed in Table 4.III.A include the reductions in fugitive dust based on implementation of the standard SCAQMD construction measures.

Implementing Measure AQ-1 (provided in Section 3.14 in the Final EIR/EIS) would further reduce the fugitive dust emissions. By restricting construction activities and requiring that newer construction equipment be used on site, Measure AQ-2 (provided in Section 3.14 in the Final EIR/EIS) would reduce the stationary and mobile source emissions to below those listed in Table 4.III.A. Table 4.III.B in this Final EIR/EIS lists the construction emissions after implementing Mitigation Measures AQ-1 and AQ-2. Under Measure AQ-2, all off-road construction equipment with a rated horsepower (hp) exceeding 75 hp would be required to meet or exceed the United States Environmental Protection Agency's (EPA's) Tier 3 off-road diesel engine standards. Because there are no Tier 3 standards, all equipment under 75 hp would be required to meet the Tier 2 standards. At this time, it is unknown where electricity from power poles can be used to replace diesel generators or when solar-powered message signs can be used. Therefore, the emissions listed in Table 4.III.B do not take credit for these requirements of Mitigation Measure AQ-2. EPA's Tiers 2 and 3 off-road diesel engine standards do not affect the results of the SMAQMD Road Construction Emissions Model for CO. Therefore, the CO emissions in Tables 4.III.A and 4.III.B are the same. As shown in Table 4.III.B, the construction emissions would continue to exceed the SCAQMD's NO_x and PM₁₀. Therefore, the short-term construction emissions would result in a significant unavoidable impact after mitigation under CEQA as discussed in Chapter 4, California Environmental Quality Act Evaluation, in this Final EIR/EIS.

The additional analyses conducted under CEQA concluded that the Build Alternatives would result in significant unavoidable long-term adverse air quality impacts and would generate GHG emissions that may have a significant effect on the environment under CEQA and would affect the ability of the State to meet with the emission reduction goals defined in Assembly Bill 32 by 2020.

Table 4.III.B Maximum Project Construction Emissions after Mitigation (lbs/day)

Project Phases	ROGs	CO	NO _x	Total PM ₁₀	Total PM _{2.5}
Grubbing/Land Clearing	5.7	87.8	101.8	155.4	36.1
Grading/Excavation	11.9	172.5	259.9	162.3	41.8
Drainage/Utilities/Sub-Grade	6.3	92.5	107.4	156.5	37.0
Paving	4.0	67.9	65.0	4.6	4.1
Maximum (lbs/day)	11.9	172.5	259.9	162.3	41.8
SCAQMD Thresholds (lbs/day)	75	550	100	150	55

Source: LSA Associates, Inc. (January 2014).

CO = carbon monoxide

lbs/day = pounds per day

NO_x = oxides of nitrogen

PM₁₀ = particulate matter less than 10 microns in size

PM_{2.5} = particulate matter less than 2.5 microns in size

ROGs = reactive organic gases

SCAQMD = South Coast Air Quality Management District

SDU-4-4

The SCAQMD and Caltrans have not established significance thresholds for greenhouse gas (GHG) emissions for transportation facilities. Therefore, based on the CEQA Guidelines, RCTC has determined that the MCP Build Alternatives and their design variations would result in significant adverse effects related to GHG emissions if they:

- a) Generate GHG gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG.

The potential effects of the MCP project related to GHG and climate change were reevaluated in Section 4.5 of the "Recirculated Sections of Chapter 4.0." Table 4.5.C from that section (now included in Chapter 4.0 in this Final EIR/EIS) lists the total increase in GHG emissions that would be generated by each Build Alternative between 2020 and 2040, the years for which traffic data are available and the project is expected to be operational. The annual emissions were calculated by multiplying the daily increase in CO₂ emissions by 365. As shown in Table 4.5.C, over a 20-year period (20 years is the minimum pavement design life per Topic 612 in the Caltrans Highway Design Manual, 2012), the Build Alternatives would add 1,263,293 to 1,542,003 metric tons of CO₂ to the project region, depending on the Build

Table 4.5.C Total Increase in Regional CO₂ Emissions (Metric Tons) between 2020 and 2040

Alternative	Operational Emissions (On-road Vehicles)	Construction Emissions	Total Emissions	Percent of GHG Emissions Generated by On-Road Vehicles
Alt 4 Modified	1,344,285	26,251	1,364,536	98.5%
Alt 5 Modified	1,263,293	19,497	1,282,789	98.5%
Alt 9 Modified	1,542,003	17,910	1,559,913	98.9%

Source: LSA Associates, Inc. (January 2014).

Alt = Alternative

CO₂ = carbon dioxide

GHG = greenhouse gas

Alternative. When added to the 17,910 metric tons of CO₂ that would be generated during construction of the preferred alternative (Alternative 9 Modified with the SJRB DV), it is estimated that the MCP project would generate up to 1,559,913 metric tons of CO₂ in the project area over the 20-year period.

By reducing unnecessary idling, maintaining construction equipment, using newer Tier 2 and Tier 3 off-road equipment, and using solar power or electricity from power poles, Measures AQ-2 and AQ-3, in Section 3.14.4 of the Final EIR/EIS, would reduce the GHG emissions generated by the on-site construction equipment. However, as shown in Table 4.5.C, 98 to 99 percent of the emissions of the Build Alternatives would be generated by operational emissions from on-road vehicles. Therefore, these mitigation measures would not measurably reduce the emissions listed in Table 4.5.C. In summary, the MCP Build Alternatives would result in a significant unavoidable adverse impact due to generation of GHG emissions.

SDU-4-5

The *Traffic Technical Report* (2012) provides a detailed description of the methodology used to determine the 2020 and 2040 traffic forecasts for the MCP project. Pages 2-5 and 2-6 in that report describe the methodology to develop the 2020 traffic forecasts, and page 4-1 describes the methodology used to develop the 2040 traffic forecasts. In summary, the traffic forecasts for both study years were based on the Southern California Association of Governments (SCAG) regional transportation model, which incorporates land use forecasts from the adopted Riverside County General Plan and the adopted General Plans of the incorporated cities in Riverside County. The traffic forecasts were determined using the Riverside Traffic Analysis Model (RIVTAM), which is a version of the SCAG regional

transportation model refined for more detailed analysis in Riverside County. Additional refinements were made to the land uses in the traffic forecasting model based on discussions with the area local jurisdictions, but control totals were maintained for local subareas within Riverside County, based on guidance from SCAG. As a result, because the traffic forecasts for the MCP project are based on the adopted land use plans for Riverside County and the incorporated cities in the County, the MCP project is not considered to be growth-inducing.

Refer also to Section 3.2, Growth, starting on page 3.2-1 in the Final EIR/EIS, for additional analysis regarding the potential for the MCP project to result in growth-inducing impacts. The potential for growth-related effects from the MCP project is discussed on page 3.2-14 in Section 3.2 which states: “In areas where MCP Alternatives do not follow the CETAP Corridor alignment in the Riverside County General Plan Circulation Element or local General Plan Circulation Elements, there would be unplanned growth-related effects. Any intensification of currently planned land uses would require the approval of the local agency with land use jurisdiction. Areas previously planned for growth in coordination with the planning of the Hemet to Corona/Lake Elsinore CETAP Corridor and areas compatible with existing General Plan land use designations would be less likely to experience unplanned growth effects.” Potential growth-related effects to resources of concern from any potential unplanned growth are discussed in the subsection titled “Resources of Concern for Growth-Related Effects” starting on page 3.2-14 in the Final EIR/EIS.

S.6.6 Interested Parties Comments and Responses

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ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE

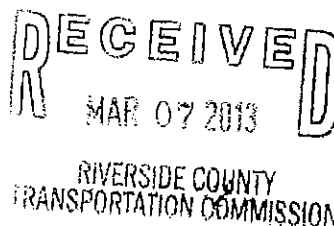
IP-1



February 15, 2013

VIA U.S. AND ELECTONIC MAIL

Ms. Cathy Bechtel
Riverside County Transportation Commission
P.O. Box 12008
Riverside, CA 92502



RE: Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS) for the Mid County Parkway (MCP)

Dear Ms Bechtel:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on this project. As you know, EHL served on the Advisory Committees for the Community and Environmental Transportation Acceptability Process (CETAP) and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

As a major east-west corridor, the MCP was an integral part of CETAP and MSHCP planning. Indeed, it was one of the "covered" infrastructure projects whose anticipated benefit from streamlined permitting supported the eventual adoption of the MSHCP. As a conservation group, we believe that, as a complex project with numerous impacts to endangered and otherwise sensitive species, major effects on wildlife movement, and cumulative and growth inducing impacts, the MCP's environmental review and mitigation is most meaningfully undertaken using the regional and habitat-based framework of the MSHCP. And as a supporter of the MSHCP, EHL expects the anticipated benefits of "tiering" and species coverage to be expeditiously realized in exchange for plan compliance.

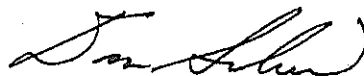
The biological section of the RDEIR/SDEIS is thorough and appropriately focuses on MSHCP conformance. However, we suggest that the details of MSHCP conformance be made available at the earliest point prior to certification, so that there may be an opportunity for public review and comment.

Our main concern is that RCTC coordinate early and effectively with the Western Riverside County Regional Conservation Authority (RCA), U.S. Fish and Wildlife Service, and California Dept. of Fish and Wildlife. This should be approached as a partnership endeavor, with good faith exploration of options and adoption of creative ways to advance environmental benefits and project objectives. Please let me know if EHL can assist in this process.

IP-1-1

I am also copying this letter to the Board of Supervisors and the Chair and Vice Chair of the RCA Board, simply to note that the MSHCP is doing its job as a framework for the permitting of regional infrastructure and that our collective continued commitment to successful assembly of the MSCHP reserve is essential.

Yours truly,

A handwritten signature in black ink, appearing to read "Dan Silver", written in a cursive style.

Dan Silver
Executive Director

cc: Regional Conservation Authority
Riverside County Transportation Department
US Fish and Wildlife Service
California Dept. of Fish and Wildlife
Board of Supervisors

This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed, and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

IP-1-1

This comment suggests that details of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) conformance be made available at the earliest point prior to certification of the Final EIR for an opportunity for public review and comment and for the Riverside County Transportation Commission (RCTC) to coordinate early and effectively with the Western Riverside County Regional Conservation Authority (RCA), the United States Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife (CDFW) as a partnership endeavor, in order to advance environmental benefits and project objectives.

RCTC appreciates the acknowledgment of the focus on the Western Riverside County MSHCP consistency and has been working with the RCA, USFWS, and CDFW at Small Working Group meetings (now the Resource Agency Coordination meetings) throughout the environmental process for the MCP project. The wildlife agencies' concurrence on the Joint Project Review (JPR) process is provided in the *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* (2014), provided in Appendix T in the Final EIR/EIS. Prior to formal submittal of the JPR for review by the RCA and the wildlife agencies, RCTC met informally with the RCA, USFWS, and CDFW on June 20, 2013, and September 19, 2013, to review the proposed Determination of Biological Equivalent or Superior Preservations (DBESPs) and mitigation strategies necessary to support a Western Riverside County MSHCP Consistency Determination for the MCP project.

¹ Section 15088(a) of the CEQA Guidelines notes that "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response." As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

The 14-day review period of the JPR and 60-day review period of the DBESPs by the wildlife agencies is a requirement of the Western Riverside County MSHCP and is not a public review period under the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA). Please also refer to the responses to comments IP-6-32 and IP-6-33 regarding the adequacy of the information in the Recirculated Draft EIR/Supplemental Draft EIS regarding Western Riverside County MSHCP compliance for the purposes of satisfying the requirements of CEQA and NEPA.

From: Cathy Bechtel
Sent: Friday, February 22, 2013 1:33 PM
To: 'Jonathan Evans'
Cc: 'George Hague'; 'Aruna Prabhala'
Subject: RE: Mid County Parkway DEIR/DEIS Comment Deadline

Dear Mr. Evans,

Thank you for the clarification regarding Mr. Hague asking for the Reports on behalf of both the Sierra Club and the Center for Biological Diversity. We were not told that the Technical Reports were being obtained on behalf of both organizations. I wanted to make sure you received the information you desired.

On Friday, February 15 Mr. Hague did request and receive from Caltrans CD's of the Traffic Technical Report and the Air Quality Report. On Monday, February 18 Mr. Hague emailed me a request for a copy of the Existing plus Project Traffic Analysis Memo dated April 2012. That was provided to him on Tuesday, February 19 (our offices were closed in observance of President's Day on February 18). On Thursday, February 21 Mr. Hague emailed a request for the Natural Environmental Study (NES) and the Supplemental NES. Both of those were made available to him that same afternoon.

Hard copies of the Technical Reports have been publicly available at RCTC, Caltrans, and the Moreno Valley, Perris and San Jacinto Public Libraries since the start of the public circulation period (January 25, 2013).

Pursuant to your request, and although not legally required, the Technical Studies identified in Appendix H are being loaded on to the project website this afternoon. It is a process that will take many hours to complete. I suggest you check the website (www.midcountyparkway.org) this evening or tomorrow to view the reports.

Sincerely,

Cathy Bechtel
Project Development Director
Riverside County Transportation Commission
P.O. Box 12008, Riverside 92502
(951) 787-7141

From: Jonathan Evans [<mailto:jevans@biologicaldiversity.org>]
Sent: Friday, February 22, 2013 12:14 PM
To: Cathy Bechtel
Cc: 'George Hague'; 'Aruna Prabhala'
Subject: RE: Mid County Parkway DEIR/DEIS Comment Deadline

Dear Ms. Bechtel,

Thank you for your reply.

Mr. George Hague requested those studies in person on behalf of the Sierra Club and Center for Biological Diversity. I believe he was able to obtain some, but not all of the studies, at a substantial out of pocket cost for obtaining and delivering those studies. We have yet to receive all of the Appendix H studies via Mr. Hague. If all of the Appendix H studies have been provided to Mr. Hague who will provide copies for us then that will fulfill our request.

I think this further illustrates the need for an extension of the comment period in order to review and comment on the material once we have received it.

I will also provide an email to Ms. Petry at Caltrans requesting an extension of time.

Best regards,

Jonathan

From: Cathy Bechtel [<mailto:CBechtel@RCTC.org>]
Sent: Thursday, February 21, 2013 5:24 PM
To: Jonathan Evans
Subject: RE: Mid County Parkway DEIR/DEIS Comment Deadline

Dear Mr. Evans,

We are in receipt of your request for an extension of the comment period. A response on that issue is forthcoming.

I do, however, want to note that RCTC has not received a request from the Center for Biological Diversity for copies of any studies related to the Mid County Parkway. Was that sent via mail or email? Would you please resend your request so we may provide you with the information you desire.

IP-2-2

Thank you.

Cathy Bechtel
Project Development Director
Riverside County Transportation Commission
P.O. Box 12008, Riverside 92502
(951) 787-7141

From: Jonathan Evans [<mailto:jevans@biologicaldiversity.org>]
Sent: Thursday, February 21, 2013 4:22 PM
To: Cathy Bechtel
Subject: Mid County Parkway DEIR/DEIS Comment Deadline

Dear Ms. Bechtel,

The Center for Biological Diversity respectfully requests a 30 day extension of the comment period for the Draft Environmental Impact Report and Draft Environmental Impact Statement (DEIR/DEIS) for the Mid County Parkway. This request is made primarily based on the incomplete status of documentation provided in the DEIR/DEIS, but is also requested due to the size and scope of the DEIR/DEIS itself.

While we appreciate the County's work to make the DEIR/DEIS available online we note that many of the technical studies upon which the DEIR/DEIS relies were not provided. Specifically over 25 studies relied upon in the DEIR/DEIS were not provided in the DEIR/DEIS Appendices, but are listed in Appendix H. Please note that the California Supreme

Court has frowned upon such an approach when the information in an EIR has not been "presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project." *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal. 4th 412, 442 (Cal. 2007) (finding the EIR failed to good faith reasoned analysis when studies and information was not incorporated into the EIR).

We have requested copies of the studies in Appendix H, but have not received them in our office as of yet and request adequate time to review those studies in order to make informed comments. We would further respectfully request that the County make those documents available online for all interested members of the public.

We would also like to note that the scale of this EIR/EIS is better served by a longer comment period. The public should have more time to fully address the issues and concerns in this voluminous analysis.

Thank you in advance for your consideration and I look forward to your response.

Sincerely,

Jonathan Evans
Staff Attorney
Center for Biological Diversity
351 California St., Ste. 600
San Francisco, CA 94104
work- (415) 436-9682 x318
cell- (213) 598-1466
www.biologicaldiversity.org

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This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed, and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

IP-2-1

This email summarizes a response to this commenter's request for the technical studies in support of the Recirculated Draft EIR/Supplemental Draft EIS. As noted in the email, hard copies of the technical reports were available for review at the Riverside County Transportation Commission (RCTC) and the California Department of Transportation (Caltrans) offices, and at the Moreno Valley, Perris, and San Jacinto Public Libraries during the public review period for the Recirculated Draft EIR/Supplemental Draft EIS starting on January 25, 2013. In addition, at the request of this commenter on February 21, 2013, the technical studies were made available via the RCTC website on February 22, 2013. In addition, as with any public document, RCTC can provide copies to requesting parties upon receipt of a formal request pursuant to the California Public Records Act.

IP-2-2

The review period for the Recirculated Draft EIR/Supplemental Draft EIS was originally January 25, 2013, to March 11, 2013. The end of the public review period was extended from March 11, 2013, to April 11, 2013, in early March 2013. All parties on the distribution list in Chapter 7, Distribution List, in the Recirculated Draft EIR/Supplemental Draft EIS, received the "Public Notice - Notice of Extension of Public Review and Comment Period for the Mid County Parkway Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement" distributed in early March 2013. In addition, information regarding the availability of the Recirculated Draft EIR/Supplemental Draft EIS was provided in a Notice of Availability published in area newspapers and the Federal Register and an email blast

¹ Section 15088(a) of the CEQA Guidelines notes that "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response." As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

from RCTC. Refer to Chapter 5, Comments and Coordination, in the Final EIR/EIS for additional discussion of the public review period for, and the availability of, the Recirculated Draft EIR/Supplemental Draft EIS.

From: Cathy Bechtel <CBechtel@RCTC.org>
Sent: Friday, February 22, 2013 1:37 PM
To: Sue Nash
Subject: RE: Mid County Parkway DEIR/DEIS Comment Deadline

IP-3

Dear Ms. Nash,

We are in receipt of your request for an extension of the comment period. A response on that issue is forthcoming.

I wanted to let you know that hard copies of the Technical Reports have been publicly available at RCTC, Caltrans, and the Moreno Valley, Perris and San Jacinto Public Libraries since the start of the public circulation period (January 25, 2013).

Pursuant to your request, and although not legally required, the Technical Studies identified in Appendix H are being loaded on to the project website this afternoon. It is a process that will take many hours to complete. I suggest you check the website (www.midcountyparkway.org) this evening or tomorrow to view the reports.

Sincerely,

Cathy Bechtel
Project Development Director
Riverside County Transportation Commission
P.O. Box 12008, Riverside 92502
(951) 787-7141

From: Sue Nash [<mailto:snash22@earthlink.net>]
Sent: Thursday, February 21, 2013 5:38 PM
To: Cathy Bechtel
Subject: Mid County Parkway DEIR/DEIS Comment Deadline

Dear Ms. Bechtel,

The Friends of the Northern San Jacinto Valley attended the open house meeting last night and spoke to you about several concerns we had regarding the cutting off of Davis Road at the Mid County Parkway (MCP). The maps you showed us indicate the MCP will block the only public access to the San Jacinto Wildlife Area [Davis Road].

IP-3-1

The Friends respectfully requests, for this and other reasons, a 30 day extension of the comment period for the Draft Environmental Impact Report and Draft Environmental Impact Statement (DEIR/DEIS) for the Mid County Parkway. This request is primarily based on the incomplete status of documentation provided in the DEIR/DEIS, but is also requested due to the size and scope of the DEIR/DEIS itself.

IP-3-2

In addition, many of the Technical studies upon which the DEIR/DEIS relies were not provided. Over 25 studies relied upon in the DEIR/DEIS were not provided in the DEIR/Appendixes, but are listed in Appendix H. The California Supreme Court has frowned upon such an approach when the information in an EIR has not been "presented in a manner calculated to adequately inform the

IP-3-3



public and decision makers, who may not previously familiar with the details of the project." *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 442, (finding the EIR failed to provide a good faith reasoned analysis when studies and information was not incorporated into the EIR).



IP-3-3

We respectfully request the County make those documents available online for all interested members of the public.

The scale of this EIR/EIS is better served by a longer comment period. The public should have more time to fully address the issues and concerns in this voluminous analysis.

Thank you in advance for your consideration and I look forward to your response.

Sincerely,

Susan Nash, President
Friends of the Northern San Jacinto Valley

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This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed, and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

IP-3-1

During construction of the MCP project, access to Davis Road and the San Jacinto Wildlife Area would be maintained. If temporary road closures are necessary on Ramona Expressway, detours would be provided to ensure that visitors can access the San Jacinto Wildlife Area during those temporary road closures. As discussed in Section 3.6.3.1, Permanent Impacts, the MCP project would permanently modify access between Ramona Expressway and the San Jacinto Wildlife Area. Measure TR-2, starting on page 3.6-59 in the Final EIR/EIS, would apply if at the time the construction of the MCP in this area is initiated, an east/west road connecting Reservoir Road to Davis Road consistent with the Riverside County General Plan has not been built by others:

TR-2 Local Road Access. If at the time the construction of the MCP project in the vicinity of Davis Road and Hansen Road (along the Ramona Expressway) in this area is initiated, the east/west road connecting Reservoir Road to Davis Road has not been built by others, the MCP project would be responsible for providing access to Davis Road so that no area is left without access during the construction and operation of the MCP project. Although it is expected that planned local circulation elements in this area would be environmentally cleared, designed, and constructed by others prior to the initiation of the MCP construction in this area, if that is not the case, then the environmental clearance, design, and construction of improvements needed to maintain access to Davis Road would be conducted by RCTC as part of the

¹ Section 15088(a) of the CEQA Guidelines notes that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

final design and initiation of construction along the MCP project along that segment of Ramona Expressway.

In addition, Measure TR-1, starting on page 3.6-56, addresses temporary impacts to traffic during project construction. Measure TR-1 requires the preparation of a Transportation Management Plan (TMP) during final design and implementation of the TMP prior to and during construction.

The MCP Build Alternatives would not result in long-term traffic circulation or access impacts on the San Jacinto Wildlife Area because access to this area would be maintained in the long term during project operations. The MCP Build Alternatives would result in the permanent removal of the connection of Davis Road and Hansen Avenue to Ramona Expressway because Ramona Expressway in this area would be replaced by the four- to six-lane MCP roadway with controlled access limited to interchanges only. The proposed access point for the San Jacinto Wildlife Area would be via the service interchange at Reservoir Road. This would not result in long-term traffic impacts because although access from Ramona Expressway to Davis Road, or Hansen Road to Davis Road, would no longer be provided, access to the San Jacinto Wildlife Area would be available via Reservoir Road, crossing over the MCP (from the south side to the north side), or by exiting the MCP at Reservoir Road and proceeding north to an east/west road connecting to Davis Road. The east/west road may be an extension of Marvin Road or some other east/west road constructed as the area is built out according to the adopted Riverside County General Plan Land Use and Circulation Elements. If at the time construction of the MCP in this area is initiated, the east/west road connecting that Reservoir Road to Davis Road has not been built by others, the MCP project would be responsible for providing access to Davis Road so that no area is left without access during the MCP construction and operation. That commitment is documented in Measure TR-2 provided on page 3.6-59 in the Final EIR/EIS.

IP-3-2

The review period for the Recirculated Draft EIR/Supplemental Draft EIS was originally January 25, 2013, to March 11, 2013. The end of the public review period was extended from March 11, 2013, to April 11, 2013, in early March 2013. All parties on the distribution list in Chapter 7, Distribution List, in the Recirculated Draft EIR/Supplemental Draft EIS, received the “Public Notice - Notice of Extension of Public Review and Comment Period for the Mid County Parkway Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement”

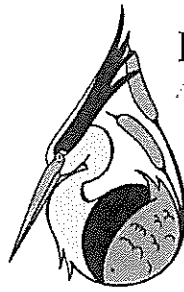
distributed in early March 2013. In addition, information regarding the availability of the Recirculated Draft EIR/Supplemental Draft EIS was provided in a Notice of Availability published in area newspapers and the federal Register and an email blast from the Riverside County Transportation Commission (RCTC). Refer to Chapter 5, Comments and Coordination, in the Final EIR/EIS for additional discussion of the public review period for, and the availability of, the Recirculated Draft EIR/Supplemental Draft EIS.

This comment also requests an extension of the public review period for the Recirculated Draft EIR/Supplemental Draft EIS based on "...the incomplete status of the documentation provided in the DEIR/DEIS..." The Recirculated Draft EIR/Supplemental Draft EIS provides detailed analyses and documentation of the potential effects of the MCP Modified Build Alternatives consistent with the requirements of both CEQA and NEPA. Because this comment did not specify what the "...incomplete status of the documentation provided in the DEIR/DEIS..." is, it was not possible to respond to that part of this comment. Please note that the following comment (IP-3-3) notes that copies of the technical studies were not provided with the EIR/EIS. Please refer to the response to comment IP-3-3 regarding the availability of those reports during the public review period.

IP-3-3

As noted in the email response to this comment, the technical reports were available for review at the RCTC and California Department of Transportation (Caltrans) offices as noted in Appendix H, List of Technical Studies, and at the Moreno Valley, Perris, and San Jacinto Public Libraries. In addition, at the request of this commenter and other commenters, the technical studies were also made available on the Mid County Parkway website. No further response is necessary.

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IP-4

March 1, 2013

Ms. Cathy Bechtel
Riverside County Transportation Commission
P.O. Box 12008
Riverside, CA 92502

RE: Mid County Parkway Project

Dear Ms. Cathy Bechtel:

Inland Empire Waterkeeper ("Waterkeeper") is an environmental, non-profit organization dedicated to advocacy, education, restoration, and enforcement in the Santa Ana River watershed. Waterkeeper's members use and enjoy the unique waterways of the Inland Empire and rely on our region's groundwater on an everyday basis. For these reasons, we have been following the Mid County Parkway Project ("Project") and have focused our attention on the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement and Revised Draft Section 4(F) Evaluation ("Draft EIR").

The Draft EIR is deficient because it fails to provide the public with an adequate description of the full environmental impacts of the Project and fails to fully address means of mitigating such adverse effects. First, more information is necessary to provide the public with an adequate understanding of the reasoning behind confining the environmental impact assessment to the selected study area. Second, the Project and its Build Alternatives will adversely impact the surrounding wetland areas, and the conceptual mitigation plan fails to adequately describe mitigation steps that will maintain the functional value of the impacted wetland areas. Third, storm water runoff from the Project is likely to contain pollutants that will contribute to the existing impairment of water bodies in the San Jacinto River watershed, and the Draft EIR fails to adequately analyze the feasibility of best management practices ("BMPs") to mitigate such impairment. Finally, the Riverside County Transportation Commission ("RCTC") and the Federal Highway Administration ("FHWA") should consider the cumulative environmental impact of all development projects in the San Jacinto River watershed.

IP-4-1

IP-4-2

IP-4-3

IP-4-4

The following are Waterkeeper's principal comments on the Draft EIR. Waterkeeper and our members strongly encourage RCTC and FHWA to consider these issues and amend the Draft

EIR to better comply with environmental regulations and provide for the ongoing health of the San Jacinto River watershed.

I. The Basis for Selection of the Project's Study Area is Unclear.

The study area for the Project covers a significantly smaller area north of the Project than south of the Project.¹ While the northern border of the study area closely follows the northern edge of the right-of-way ("ROW"), the southern border of the study area was drawn significantly further south of the southern edge of the ROW.² As a result, the study area includes land south of the Project that has been slated for commercial and residential development, but does not include Lake Perris and significant wetland areas in the San Jacinto Wildlife Area ("SJWA"), both of which are immediately adjacent to the Project. We are concerned that this discrepancy may affect the assessment of the Project's environmental impact on the surrounding region and give greater weight to development concerns, rather than focusing on the totality of positive and negative impacts caused by the Project. We request that RCTC provide information describing the study area selection process and methodology.

IP-4-5

II. The Modified Build Alternatives will Result in Permanent Impacts to Sensitive Wetland Areas for Which the Conceptual Mitigation Plan Fails to Adequately Address.

Found throughout the United States, wetlands are unique ecological features that serve not only as habitats for the plants and animals within their discrete borders, but also as transitional habitats between uplands and aquatic systems. They play a crucial role in the hydrologic regimes they belong to, providing for protection of upland areas from storm damage and erosion, and regulating flow of water and pollutants into their adjacent water bodies.³ Over time, however, wetland area in the United States has significantly diminished as the result of filling for development purposes. California alone has lost 90% of its wetland area over the last century.

Recognizing this drastic loss, as well as the important role wetlands play in the health of our waters and our communities who depend on those waters, both California and the United States have "zero net loss" requirements for wetlands use and preservation.⁴ A zero net loss requirement prohibits fill of wetlands without a minimum one-to-one replacement of filled area.⁵

¹ U.S. Dep't Transp. Fed. Highway Admin., Cal. Dep't Transp., and Riverside Cnty. Transp. Comm'n, Mid Cnty. Parkway Recirculated Draft Evtl. Impact Rep./Supplemental Draft Evtl. Impact Statement and Revised Draft Section 4(F) Evaluation, Chapter 1.0 Proposed Project, Figure 1.1.1, *available at* http://midcountyparkway.org/uploads/rdeir-sdeis-rds4fe_vol1_chapter-1_proposed-project.pdf [hereinafter Draft EIR].

² *Id.*

³ 40 C.F.R. § 230.41.

⁴ See "Wetlands," USDA Natural Resources Conservation Service Topics page, *available at* <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/water/wetlands/>; "California Wetlands Policies and Programs," California Natural Resources Agency Wetlands Information System page, *available at* http://ceres.ca.gov/wetlands/introduction/policies_and_programs.html.

⁵ 40 C.F.R. § 230.93(f)(1).

The requirement also mandates that the minimum replacement ratio be increased when the replacement land will not be able to restore the full functional value of the filled wetlands.⁶ Determining functional value and setting mitigation ratios requires considering all of the following:

[H]abitat requirements of important species, habitat loss or conversion trends, sources of watershed impairment . . . current development trends . . . requirements of other regulatory and non-regulatory programs that affect the watershed . . . [and] protection and maintenance of terrestrial resources, such as non-wetland riparian areas and uplands, when those resources contribute to or improve the overall ecological functioning of aquatic resources in the watershed.⁷

In sum, the functional value should be determined by assessing “the suite of functions typically provided by the affected aquatic resource” and setting compensation requirements according to those assessments.⁸

Although the zero net loss requirement provides for wetland protection and mitigation through replacement, the requirement at its base demands that all practicable steps be taken to avoid adverse impacts to United States waters.⁹ Practicable steps are those that are “available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.”¹⁰ Mitigation is allowable when adverse impacts are unavoidable.¹¹

The Project and its alignment alternatives impact wetlands through fill or other impacts resulting from Project construction and use at two general locations: (1) where the Project crosses the San Jacinto River just west of Lake Perris; and (2) where the Project merges with State Route 79 (“SR-79”), approaching and crossing the San Jacinto River just south of Gilman Springs Road.¹² The Draft EIR includes a mitigation plan to account for the impacts caused by the Project, but for the following reasons, Waterkeeper finds that the mitigation plan inadequately compensates for the loss in functional value of impacted wetlands and fails to fully comply with applicable wetlands regulations.

IP-4-6

A. Where the Project Crosses the San Jacinto River just west of Lake Perris, an Avoidance Alignment Could Provide for Preservation of Wetlands Habitat.

IP-4-7

The Project’s proposed alignment requires acquiring 3.4 acres of land within the San Jacinto Wildlife Area.¹³ This area is wetland habitat that was established as mitigation property and

⁶ 40 C.F.R. § 230.93(f)(2).

⁷ 40 C.F.R. § 230.93(c)(2)(i).

⁸ *Id.* Further guidance and factors for consideration are contained within the entirety of 40 C.F.R. § 230.93 and its parent sections.

⁹ 40 C.F.R. § 230.91(c)(2).

¹⁰ *Id.*

¹¹ *Id.*

¹² Draft EIR, *supra* note 1, at Appendix M, Figure 3.

¹³ *Id.* at Appendix B, Section 7.4.2.

serves as a buffer zone for the rest of the San Jacinto Wildlife Area that extends to the north of this parcel.¹⁴ Buffer zones, though perhaps less ecologically healthy than the areas which they border, serve a crucial function in preventing encroachment upon ecologically thriving habitats and ensuring that these areas do not degrade to lower levels of health. Additionally, this particular area was chosen as mitigation property in part because it provides habitat for the Stephen's kangaroo rat, which has established burrows there. We, as well as the California Department of Fish and Game, believe that the proposed alignment's use of the buffer zone will adversely affect the entirety of the San Jacinto Wildlife Area due to the loss of the buffer zone and its habitat.¹⁵

The Draft EIR discusses a Southern Avoidance Alternative to the proposed Project alignment that would not require use of the buffer zone. This alignment moves the relevant portion of the Project about 250 feet south, affecting about 1.6 miles of the Project.¹⁶ Despite the minor change and low cost needed to avoid affecting sensitive habitat, the Draft EIR explains that this change would adversely affect the surrounding area by using more area protected by the Western Riverside County Multi-Species Habitat Conservation Plan ("MSHCP"), would require use of farmland, and require land used by a culturally significant milling station, though this site is not listed or eligible for listing on the National Register.¹⁷ However, the Draft EIR also indicates that the existing Villages of Lakeview Specific Plan ("Specific Plan") sites residential development on this same farmland, MSHCP land, and milling station.¹⁸ It thus concludes that the Southern Avoidance Alternative is not feasible because it would require altering the layout of the residential development in the adopted Specific Plan and would not result in the establishment of mitigation properties, as would be required should the SJWA land be acquired.¹⁹

This conclusion is not supported by the no net loss requirement which advocates for avoiding use of wetlands unless it is unfeasible to do so. The Draft EIR indicates that the Southern Avoidance Alternative is feasible by all measures, but relies on the fact that the mitigation property would provide a net benefit to the area and thus the proposed alignments are superior to the avoidance alternative.²⁰ The mitigation property, however, would not fulfill the same functions as the existing buffer zone and loss of this zone would threaten degradation healthy areas of the SJWA, potentially diminishing the effect of the benefits conferred by the mitigation property. Additionally, disruption of a potential development within a Specific Plan is not a consideration under 23 C.F.R. § 774.17, which looks only at existing communities.

Waterkeeper recommends that MCTC reconsider the Southern Avoidance Alternative.

¹⁴ *Id.* at Appendix B, Attachment B, February 2012 Emails between CDFG and RCTC.

¹⁵ *Id.*

¹⁶ *Id.* at Appendix B, Section 7.4

¹⁷ *Id.*

¹⁸ *Id.* at Appendix B, Figure 7.6

¹⁹ *Id.* at Appendix B, Table 7.7

²⁰ *Id.* at Appendix B, Section 7.6.2

B. Where the Project Crosses the San Jacinto River just West of Lake Perris, the Proposed Mitigation Measures Cannot Ensure that the Functional Value of the Impacted Wetlands will be Maintained.

Should MCTC not decide to adopt the Southern Avoidance Alternative, Waterkeeper recommends that MCTC be required to take further mitigation steps to ensure the functional value of the impacted wetlands be maintained. Although the Draft EIR indicates that the 3.4 acres of acquired SJWA land will be replaced with 6.8 acres of habitat elsewhere in the SJWA, Waterkeeper advocates for the 3:1 mitigation ratio requested by CDFG.²¹ Further, the Conceptual Mitigation Plan ("CMP") lacks specificity as to how mitigation and restoration of full functional value will be achieved.²² The CMP lists the sections that will be covered in a later iteration of the mitigation plan, to be completed "as the project moves closer to implementation," but does not give an idea of what particular mitigation methods will be used. Examples of such methods are given throughout the CMP, but none of these are singled out for implementation or preference. Lastly, the CMP does not indicate that monitoring requirements will be discussed in the detailed mitigation plan, although this is required per 40 C.F.R. § 230.94 and 33 C.F.R. § 332.4.

IP-4-8

Waterkeeper recommends that MCTC prepare a mitigation plan that indicates the specific steps and methods that will be used to ensure adequate mitigation occurs under the no net loss requirement. We also recommend reconsidering the mitigation ratio as it is likely too low to compensate for the lost functional value of the SJWA buffer zone wetland habitat.

C. Where the Project Merges with SR 79 and Approaches and Crosses the San Jacinto River just South of Gilman Springs Road, the Proposed Mitigation Measures Cannot Ensure Compliance with EPA Compensatory Mitigation Requirements.

The CMP indicates both temporary and permanent impacts to wetland habitats.²³ It also indicates that wetland impacts at the San Jose River crossing along SR 79 will occur in conjunction with impacts to the same area caused by a separate SR 79 realignment project.²⁴ Consequently, the CMP does not account for impacts that are "wholly attributable" to that project.²⁵ The CMP does not go on to specify, however, what impacts the MCP Project itself will have on the area, instead combining the acreage of affected wetlands along SR 79 with the total acreage of affected wetlands along the entire Project. Waterkeeper is concerned that RCTC has not adequately explored the impacts to wetland habitats along SR 79 because they believe these will undergo mitigation measures under the SR 79 realignment project. Waterkeeper recommends that when preparing the detailed mitigation plan, RCTC should ensure that the effects to wetlands along SR 79 caused by this Project are accounted for and appropriately mitigated. We also recommend that

IP-4-9

²¹ *Id.* at Appendix B, Attachment B, October 27 Email from Jeff Brandt, CDFG.

²² *Id.* at Appendix P

²³ *Id.* at Table A

²⁴ *Id.*

²⁵ *Id.*

in setting mitigation requirements, RCTC consider the cumulative effects to these wetland areas caused by both this Project and the SR 79 realignment project. While impacts under each may be insignificant, the cumulative impact of both projects may significantly and adversely affect these sensitive wetland habitats.

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IP-4-9

III. The Proposed Best Management Practices Cannot Ensure that the Project Will Not Contribute to Existing Pollutant Impaired of Water Bodies on the Clean Water Act Section 303(d) List.

The Clean Water Act (“CWA”) “makes the addition of pollutants to waters of the United States . . . unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit.”²⁶ The CWA specifically “requires permits for discharges of storm water from industrial/construction and municipal separate storm sewer systems (MS4s).”²⁷ All Caltrans rights of way are covered by the Caltrans’ MS4 permit.²⁸ The MS4 requires storm water dischargers to meet CWA required water quality standards through compliance with low impact development requirements. In order to comply with the MS4, Caltrans developed the Statewide Storm Water Management Plan (“SWMP”), which outlines selection and implementation of BMPs.²⁹ BMPs must be “designed and implemented to reduce the discharge of pollutants . . . to the ‘maximum extent practicable’ (MEP), and to control the discharge of pollutants from regulated construction projects by employing ‘best conventional technology’ (BCT) and ‘best available technology’ (BAT).”³⁰

The Project is located within the San Jacinto River watershed and will drain to various hydrologic areas within the San Jacinto Valley Hydrologic Unit, which include tributaries to other bodies of water beyond the immediate area surrounding the Project.³¹ Some of these hydrologic areas contain waters included on the Clean Water Act’s 303(d) list of impaired waters.³² The Draft EIR states that compliance with the SWMP will ensure that the Project will not have an adverse environmental impact on the water quality of the surrounding hydrologic areas.³³ For the following reasons, we strongly recommend further analysis of the proposed BMPs.

IP-4-10

²⁶ Clean Water Act, 33 U.S.C. § 1311(a) (2012); Draft EIR, *supra* note 1, at 3.10-1.

²⁷ Clean Water Act, 33 U.S.C. § 1342(p) (2012); Draft EIR, *supra* note 1, at 3.10-1.

²⁸ Draft EIR, *supra* note 1, at 3.10-3; National Pollutant Discharge Elimination System Permit for Storm Water Discharges from the State of California, Department of Transportation (Caltrans) Properties, Facilities, and Activities (Order No. 99-06, NPDES No. CAS000003).

²⁹ *Id.* at 3.10-4.

³⁰ Cal. Dep’t Transp., CTSW-RT-02-008, Statewide Storm Water Management Plan, page 3-1 (May 2003), available at http://www.dot.ca.gov/hq/env/stormwater/pdf/swmp_may2003final.pdf [hereinafter SWMP].

³¹ Draft EIR, *supra* note 1, at 3.10-6.

³² *Id.* at 3.10-14.

³³ *Id.* at 3.10-39.

A. Infiltration basins.

Infiltration is the preferred method for runoff treatment. However, infiltration basins require large areas of space and have strict soil requirements. Furthermore, the basins' infiltrative capacity is reduced if they are not preceded by presettling basins for removal of sediment particles.³⁴ The Draft EIR states that between 36 and 41 infiltration basins are proposed for the modified Build Alternatives as a BMP that will prevent contribution to existing impairment of the impaired water bodies affected by the Project. The Draft EIR does not, however, fully assess the feasibility of implementation of the BMP.

The MS4 Permit establishes pretreatment-of-runoff-prior-to-infiltration requirements with which the Draft EIR's proposed infiltration basins must be consistent.³⁵ The Draft EIR does not propose a method for removal of sediment particles prior to infiltration. Sediments and solids are pollutants of concern associated with highway projects.³⁶ If infiltration basins are implemented, presettling basins must also be implemented in order for the Project to comply with the MS4 Permit. If presettling basins are not implemented, the infiltrative capacity of the basins will be reduced and cannot be found to ensure that the Project will not contribute to the existing pollutant impairment of affected impaired water bodies.

The Draft EIR does not specify how the basin infiltration locations were selected or how the basins will be designed to best comply with the recommended 72-hour drawdown rate, the groundwater separation constraints, and the overflow control requirements.³⁷ Furthermore, the Draft EIR does not propose to determine the suitability of the soil conditions until final design. Without these specifications and determinations, the Draft EIR is an inadequate assessment of the feasibility of the proposed infiltration basin BMP.

Even if current soil conditions at the proposed infiltration basin sites are determined inappropriate for implementation of infiltration basins, soil amendments should be considered as a method of restoring the soil to an appropriate condition. Soil amendments include compost and other organic material that help minimize adverse effects of storm water runoff by acting as a filtration medium for the treatment of highway runoff.³⁸ Compost is especially suitable for treatment of highway runoff because it "has a high cation exchange capacity (CEC) that

³⁴ Wash. State Dep't Transp., M 31-16.03, Highway Runoff Manual, page 5-4 (Nov. 2011), *available at* <http://www.wsdot.wa.gov/publications/manuals/fulltext/M31-16/HighwayRunoff.pdf> [hereinafter WA HRM] (discussing guidelines for implementation of stormwater management techniques in areas with climate conditions similar to the Inland Empire).

³⁵ Santa Ana Regional Water Quality Control Board, Riverside County Water Quality Management Plan, Exhibit D Transportation Project Guidance, page 3-6 (Oct. 2012) *available at* http://www.waterboards.ca.gov/rwqcb8/water_issues/programs/stormwater/docs/rcpermit/wqmp/final/EXHIBITD-Transportation_Project_Guidance.pdf [hereinafter WQMP].

³⁶ U.S. Dep't Transp. Fed. Highway Admin., Cal. Dep't Transp., and Riverside Cnty. Transp. Comm'n, Mid County Parkway Revised Water Quality Assessment Report, page iv, (Aug. 2011), *available at* http://midcountyparkway.org/uploads/rdeir-sdeis-rds4fe_technical-report-26.pdf [hereinafter MCP WQAR].

³⁷ WQMP, *supra* at note 35.

³⁸ WA HRM, *supra* note 34, at 5-195–5-197.

IP-4-11

chemically traps dissolved heavy metals. . . . Oils, grease, and floatables are also removed from stormwater as it is filtered through the compost.”³⁹ RCTC should consider the use of soil amendments in conjunction with infiltration basins in order to improve soil permeability and treatment of highway runoff.

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IP-4-11

B. Detention Basins.

In areas where infiltration is not feasible, runoff detention must be implemented.⁴⁰ The Draft EIR proposes the implementation of detention basins if the soil conditions are found to be inappropriate for infiltration as a result of infiltration testing at final design. Although the detention basins are proposed as a substitute BMP if infiltration basins cannot be implemented, the Draft EIR does not include sufficient details to support a conclusion that detention basins would be a feasible alternative to the infiltration basins.

Infiltration basins remove a wider range of pollutants than detention basins.⁴¹ Pathogens, dissolved metals, nitrogen, and phosphorous are pollutants of concern in highway runoff.⁴² Each of these pollutants can be removed by infiltration basins, but not by detention basins placed in areas without adequate soil infiltration capacity.⁴³ If infiltration testing results determine soil conditions are inadequate for implementation of infiltration basins, the Draft EIR does not discuss how the substitution of detention basins will be sufficient to prevent runoff from contributing to existing pollutant impaired of the affected impaired water bodies. Tables 3.10E-J in Chapter 3.10 of the Draft EIR compare existing pollutant loading and concentration to anticipated pollutant loading and concentration of developed conditions with BMPs. However, the tables do not provide the anticipated loading and concentration of developed conditions with infiltration basins implemented as compared to developed conditions with detention basins implemented. Infiltration basins’ potential to remove a broader range of highway runoff pollutants than detention basins can affect the anticipated loading and concentration figures provided in these tables. As a result, it is not clear whether the proposed BMPs will prevent the Project from contributing to existing pollutant impairment of affected water bodies.

IP-4-12

In addition, the Draft EIR does not specify the expected drawdown rate of the detention basins, nor does it discuss the means by which the basins will control discharge in the event of overflow. If detention basins are implemented, because they do not treat storm water runoff, discharge from detention basins should be filtered through a system such as a sand filter.⁴⁴ This will better prevent runoff from the Project from contributing to surrounding water bodies’ existing pollutant impairment. We believe further research into the feasibility of detention basins is warranted.

³⁹ *Id.* at 5-196.

⁴⁰ *Id.* at 5-177.

⁴¹ Draft EIR, *supra* note 1, at 3.10-27; MCP WQAR, *supra* note 15 at 31.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ WA HRM, *supra* note 34, at 6A-39.

C. Bioswales.

Biofiltration swales are designed to remove suspended solids from runoff. However, they are not recommended for construction-stage runoff unless methods of presettling are used as well.⁴⁵ If bioswales are implemented during the construction stage of the Project, presettling methods must be required and incorporated into the Stormwater Pollution Prevention Plan's BMPs, as mentioned on page 3.10-39 of the Draft EIR. Bioswales also require soil conditions that allow for infiltration.⁴⁶ Because soil conditions have an impact on the effectiveness of bioswales, the proposed location for the bioswales should be tested for soil permeability.

IP-4-13

D. Maintenance of BMPs.

In order for BMPs to maintain long-term effectiveness, various maintenance requirements must be met.⁴⁷ The Draft EIR states that BMPs will be maintained through the project's compliance with the Storm Water Management Plan. The Draft EIR does not, however, discuss the funding that will be acquired in order to ensure continued maintenance of BMPs or how landscaping plans will accommodate the irrigation needs of the biofiltration BMP. Over time, the permeability of soil decreases, which significantly impacts the effectiveness of infiltration basins and bioswales. The health of the bioswale vegetation must be monitored, infiltration and detention basins must be inspected for problems such as damage or blockage caused by debris, and sediment buildup must frequently be removed from presettling basins.⁴⁸ Without a comprehensive maintenance plan, the feasibility of the proposed BMPs is unclear.

IP-4-14

IV. The Cumulative Impact of All the Projects Occurring in the San Jacinto River Watershed Must be Considered.

The Project is only one of numerous development projects occurring throughout the San Jacinto River watershed. Currently, plans are under way to make improvements to three other regional thoroughfares: Cajalco Road, I-215, and SR-79. There are also plans to site the large-scale World Logistics Center off I-60 to receive shipments from coastal ports. Lastly, the General Plan Land Use Designations indicate future commercial and residential developments south of the Project.⁴⁹ All these developments surround the SJWA and will inevitably result in increased construction and traffic, cumulatively detracting from water quality and wetland health in the SJWA, the San Jacinto River watershed, and the surrounding region. We strongly urge the RCTC to take the cumulative impact of these development projects into account in assessing the need for the Project, as required by the Guidelines for Implementation of the California Environmental Quality Act.⁵⁰

IP-4-15

⁴⁵ *Id.* at 5-54.

⁴⁶ WQMP, *supra* at note 35.

⁴⁷ *Id.* at 3-7.

⁴⁸ MCP WQAR, *supra* note 36, at 5-225–5-237.

⁴⁹ Draft EIR, *supra* note 1, at Appendix B, Figure 7.4.

⁵⁰ 14 C.C.R. § 15130.

In conclusion, while we do not oppose the Project, Waterkeeper has concluded that the Draft EIR's assessment must be expanded to adequately analyze the environmental impacts to the San Jacinto River watershed and to adequately explore mitigation methods. The Project affects vast wetland areas and numerous bodies of water, some of which are already impaired by pollutants. To preserve the health of the region and the benefits provided by these environmental resources, RCTC must develop a more comprehensive risk analysis and mitigation plan before the final version of the Environmental Impact Report/Supplemental Environmental Impact Statement is issued.

IP-4-16

We look forward to working with you and will continue to follow the Mid County Parkway Project. If you have any questions regarding our position, please do not hesitate to contact me at (714) 850-1965 or at colin@coastkeeper.org.

Sincerely,

Colin Kelly
Staff Attorney
Inland Empire Waterkeeper

This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed, and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

IP-4-1

This comment summarizes Inland Empire Waterkeeper (Waterkeeper) concerns regarding the description of the full environmental effects of the project, mitigation, and the selected project study area. Please refer to the responses to comments IP-4-4 through IP-4-9, below, for the responses to the individual Waterkeeper comments regarding those concerns.

IP-4-2

This comment summarizes Waterkeeper concerns regarding wetlands and the Conceptual Mitigation Plan, which was provided in Appendix P in the Recirculated Draft EIR/Supplemental Draft EIS. Please note that the Conceptual Mitigation Plan has been replaced in Appendix P in this Final EIR/EIS with the Habitat Mitigation and Monitoring Plan (HMMP) for USACE Jurisdictional Waters.

Please refer to the responses to comments IP-4-6 through IP-4-9, below, for the responses to the individual Waterkeeper comments regarding those concerns.

IP-4-3

This comment summarizes Waterkeeper concerns regarding storm water runoff and the mitigation plan. Please refer to the responses to comments IP-4-10 through IP-4-14, below, for the responses to the individual Waterkeeper comments regarding those concerns.

¹ Section 15088(a) of the CEQA Guidelines notes that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

IP-4-4

This comment summarizes Waterkeeper concerns regarding cumulative impacts. Please refer to the response to comment IP-4-15, below, for the response to the Waterkeeper comments regarding that concern.

IP-4-5

Figure 1.1.1 shows the regional location of the MCP project as noted in the last sentence in the first paragraph in Section 1, Introduction (page 1-1) in Chapter 1, Proposed Project, in the Final EIR/EIS. The shaded area shows the general geographic area that was considered for possible alignments of the MCP Build Alternatives. The northern boundary of that area was drawn specifically to avoid placement of MCP facilities in the Lake Perris State Recreation Area and the San Jacinto Wildlife Area. There was no intent to “....give greater weight to development concerns...” in defining that geographic area. The southern boundary of that area was drawn well to the south to include a large area for possible alignments; as a result, areas proposed for land development are included within the boundary of the area that was considered for the placement of MCP alignments. The selected study area does not “give greater weight to development,” rather it reflects RCTC’s desire to avoid impacting important recreation and natural resource areas.

An EIR’s definitions as to the project’s environmental setting and study area are sufficient as long as they provide an informed comparison of preproject and postproject conditions (*Cadiz Land Company versus Rail Cycle*, 83 Cal. App. 4th, 74, 87-91). Study areas for the different technical analyses were defined as appropriate for each environmental parameter and are explained in Chapter 3.0, Existing Setting, Environmental Consequences, and Avoidance, Minimization, and Mitigation Measures, starting on page 3.1-1 in the Final EIR/EIS. The study areas for the individual environmental parameters described in Chapter 3 were defined to delineate specific geographic areas within which the overall health of a resource and the potential effects of the MCP on that resource could be assessed. For example, the analysis of water quality provided in Section 3.10, Water Quality and Storm Water Runoff, in the Final EIR/EIS addresses potential effects within a larger study area than shown on Figure 1.1.1 based on the watersheds and groundwater basins in the area.

As a result, the analyses in the EIR/EIS considered worst-case effects for individual environmental parameters, based on parameter-specific study areas, such that all potential project effects related to a particular parameter were identified as documented in the EIR/EIS. The analyses considered direct impacts on resources as

well as the potential for indirect effects. For example, the biological resources analyses in Section 3.17, Natural Communities, in the EIR/EIS, considered the potential for indirect impacts for areas in/near Lake Perris State Recreation Area and the San Jacinto Wildlife Area.

IP-4-6

This comment summarizes Waterkeeper concerns regarding the Conceptual Mitigation Plan, which was provided in Appendix P in the Recirculated Draft EIR/Supplemental Draft EIS. Please note that the Conceptual Mitigation Plan has been replaced in Appendix P in this Final EIR/EIS with the Habitat Mitigation and Monitoring Plan (HMMP) for USACE Jurisdictional Waters.

Please refer to the responses to comments IP-4-7 through IP-4-9, below, for the response to the Waterkeeper comments regarding that concern.

IP-4-7

The heading for this comment reads “Where the Project Crosses the San Jacinto River just west of Lake Perris, an Avoidance Alignment Could Provide for Preservation of Wetlands Habitat.” However, the majority of the text in this comment discusses the project effects on a 3.4 acres (ac) parcel in the San Jacinto Wildlife Area southeast of Lake Perris and west of the San Jacinto River.

There are no wetlands on the 3.4-acre parcel in the San Jacinto Wildlife Area as shown on Figure 3.18.1 in the Final EIR/EIS and Figure 4.6 in the Jurisdictional Delineation and Assessment Report (December 2013). As a result, the response to this comment focuses on issues related to the use of that 3.4 acres parcel in the San Jacinto Wildlife Area by the MCP Build Alternatives and not on issues related to the crossing of the San Jacinto River or wetlands. For information regarding the MCP crossing of the San Jacinto River, please refer to Section S.5.3, Master Response Related to the San Jacinto River Bridge Base Case and Design Variation, on page S-44, for discussion regarding the Base Case and Design Variation for the bridges crossing the San Jacinto River under all three Build Alternatives.

Based on design refinements implemented after circulation of the Recirculated Draft EIR/Supplemental Draft EIS, the 3.4-acre parcel in the San Jacinto Wildlife Area has now been fully avoided by shifting the alignment of Alternative 9 Modified (the preferred alternative) slightly to the south.

The originally considered Southern Avoidance Alternative was developed to avoid the use of the 3.4-acre parcel in the San Jacinto Wildlife Area. That avoidance alternative would have resulted in increased effects on farmland and planned

communities as discussed in Appendix B in the Recirculated Draft EIR/Supplemental Draft EIS. Since the circulation of that document, CDFW indicated that it would not concur with a Section 4(f) De Minimis Finding or a Programmatic Evaluation with a Net Benefit to the resource for the use of 3.4 acres of land from the San Jacinto Wildlife Area by the MCP Build Alternatives. As a result, RCTC revisited and refined the originally considered Southern Avoidance Alternative and included that southern shift in the alignment in the MCP Build Alternatives as documented in this Final EIR/EIS. Discussion of this design refinement is provided in Section 2.5.5, Preferred Alternative, in the Final EIR/EIS. In summary, these comments are not applicable to the refined project because there are no wetlands on the previously affected 3.4 acres of land in the San Jacinto Wildlife Area and the use of 3.4 acres of land from the San Jacinto Wildlife Area is avoided by the refined MCP Build Alternatives.

IP-4-8

This comment is correct in noting that in his October 27, 2011, email, J. Brandt (CDFW) requested a 3:1 replacement ratio for land in the San Jacinto Wildlife Area used by the MCP Build Alternatives. Since that October 27, 2011, the project has been realigned to avoid the 3.4-acre SJWA parcel. Please refer to the response to comment IP-4-7, above.

With regard to mitigation for impacts to State jurisdictional waters, the general monitoring requirements are described in Measure WET-3, on page 3.18-46 in the Final EIR/EIS. Specific monitoring requirements are detailed in the Habitat Mitigation and Monitoring Plan (HMMP) for USACE Jurisdictional Waters, provided in Appendix P, Habitat Mitigation and Monitoring Plan for USACE Jurisdictional Waters, in the Final EIR/EIS. The HMMP for USACE Jurisdictional Waters is based on the preferred alternative, which was not identified until after the circulation of the Recirculated Draft EIR/Supplemental Draft EIS. The HMMP for USACE Jurisdictional Waters details specific steps and methods to ensure that no net loss of wetlands will occur as a result of the MCP project.

Those measures include on-site establishment of wetland and non-wetland waters to provide compensatory mitigation for permanent impacts, including temporal loss of these impact sites until the establishment of the mitigation sites. *On-site mitigation sites* refer to mitigation areas located on or contiguous to the same parcels of land that will be acquired by RCTC for construction of the MCP project. Table B in the HMMP for USACE Jurisdictional Waters indicates the specific amounts of wetland and non-wetland waters to be established as mitigation for the effects of the preferred

alternative on these resources at three mitigation sites: Sanderson Avenue, Pico Avenue, and Martin Street. The HMMP for USACE Jurisdictional Waters includes the following sections detailing the mitigation and monitoring that will be conducted to address impacts of the preferred alternative on wetland and non-wetlands waters:

- Section 1:** Introduction
- Section 2:** Brief Description of Overall Project
- Section 3:** Objectives (including Project Impacts to Aquatic Resources, Compensatory Mitigation, How Mitigation will Address Aquatic Resources Concerns of the Watershed)
- Section 4:** Baseline Information for Impact Sites (including Topography and Elevation; Waters of the U.S.; Historic and Existing Hydrology; Soil Characteristics; Existing Vegetation; Historic, Existing, and Planned Land Uses; and Functions and Values)
- Section 5:** Baseline Information for Pico Avenue Mitigation Site (including Topography and Elevation; Waters of the U.S.; Historic and Existing Hydrology; Soil Characteristics; Existing Vegetation; Existing Wildlife Usage; Historic, Existing, and Planned Land Uses; and Existing and Proposed Functions and Values)
- Section 6:** Baseline Information for Martin Street Mitigation Site (including same subsections as the Pico Avenue Mitigation Site)
- Section 7:** Baseline Information for Sanderson Avenue Mitigation Site (including same subsections as the Pico Avenue Mitigation Site)
- Section 8:** Site Selection Criteria and Determination of Credits (including Watershed Overview, Landscape Setting and Position, Site-Specific Information, and Determination of Credits)
- Section 9:** Mitigation Work Plan (including Supervision, Inspection Schedule, Pico Avenue Mitigation Site, Martin Street Mitigation Site, and Sanderson Avenue Mitigation Site)
- Section 10:** Maintenance Plan (including Inspection Schedule, Weed Control, Erosion Control, Pest Control, Irrigation, Litter Removal, Pruning and Leaf Litter Removal, Fertilizer, and Responsible Parties)
- Section 11:** Ecological Performance Standards

- Section 12:** Monitoring Requirements (including Monitoring Schedule, Documentation and Monitoring Reports, Agency Confirmation, and Responsible Parties)
- Section 13:** Site Protection and Long-Term Management Plan (including Site Protection and Management, and Responsible Parties)
- Section 14:** Adaptive Management Plan (including Adaptive Management and Responsible Parties)
- Section 15:** Financial Assurance
- Section 16:** References

The last paragraph of this comment refers to the “...lost functional value of the SJWA buffer zone wetland habitat.” Please note that there are no wetlands within the 3.4 acres of land that was originally anticipated be acquired from the San Jacinto Wildlife Area. The only wetlands in the vicinity of the 3.4 acres parcel are in the vicinity of the San Jacinto River. As noted above, the preferred alternative will no longer require the acquisition of any land from the San Jacinto Wildlife Area. In addition, all United States Army Corps of Engineers (USACE) and CDFW jurisdictional areas at the San Jacinto River in the vicinity of Lake Perris will be spanned by bridges, with no permanent impacts, as summarized in the fourth and fifth rows (San Jacinto River/Lakeview Nuevo for the Base Case Alternative and the [SJR/DV]) in the table titled “Mid County Parkway –Summary of Bridge Descriptions and Avoidance of Jurisdictional Areas” in Attachment D in Appendix I in the Final EIR/EIS. The acreages of impacts to jurisdictional areas for the Base Case for each Build Alternative are the same acreages of impacts as the SJR/DV, which is conveyed in the impact calculations for jurisdictional areas, including Tables 3.18.B (Impacts to Wetlands and Other Jurisdictional Areas), 3.18.C (Permanent Impacts to USACE Jurisdictional Wetlands and Nonwetland Waters by Drainage System), and 3.18.D (Temporary Impacts to USACE Jurisdictional Wetlands and Nonwetland Waters by Drainage System) on pages 3.18-16, 3.18-19, and 3.18-20, respectively, in the Final EIR/EIS. Please refer also to the response to comment IP-4-7, above. To the extent this comment is implying that 40 CFR Section 230.94 or 33 CFR Section 33.24 apply under CEQA or NEPA, it should be noted that these regulations only apply under the federal Clean Water Act (CWA), not to a solely State statute such as CEQA or under NEPA. (*Webster versus the United States Department of Agriculture* [N.D. West Virginia, June 13, 2011] 2011 United States District LEXIS 156004, *36-37 [noting that these “detailed requirements” of the CWA are “...outside the scope of NEPA’s mandates.”]).

IP-4-9

Please note that this comment cites the *San Jose River*; the river in the MCP study area is the *San Jacinto River*. This comment discusses the potential impacts to water bodies at the proposed MCP interchange with the realigned State Route 79 (SR-79) and mitigation for those effects. As noted in Table 5-2 on page 163 in the *Supplement to the MCP Natural Environment Study* (December 2011) and Table 3.18.B, Impacts to Wetland and Other Jurisdictional Areas, on page 3.18-16 in the Final EIR/EIS, the impacts of the MCP Build Alternatives on wetlands and other jurisdictional areas exclude impacts to jurisdictional areas that are within the MCP/SR-79 interchange footprint, which are wholly attributable to the SR-79 Realignment Project (i.e., jurisdictional areas that will be impacted by the SR-79 Realignment Project prior to construction of the MCP project and will be mitigated by the SR-79 Realignment Project). This is part of the methodology assumption made in the 2008 *Natural Environment Study* as well as during the development of the purpose and need for the MCP project.

The environmental teams for the MCP and SR-79 projects have worked closely together for a number of years to ensure that all impacts identified during analyses for both projects are closely aligned and that the SR-79 Realignment Project assessed the impact area for all of its impacts within the SR-79/MCP interchange. An email from Carolyn Washburn at CH2MHill (SR-79 project consultant), to Tom Flahive (LSA Associates, Inc. [LSA], MCP project consultant) on November 20, 2012, confirmed that all impacts in the project impact area of that interchange are considered permanent impacts. The impacts to wetlands and jurisdictional waters resulting from the SR-79 project were considered in the analysis of cumulative impacts of the MCP project (refer to the second full paragraph on page 3.25-45 of the Recirculated Draft EIR/Supplemental Draft EIS for the MCP project).

The Draft EIR/EIS for the SR-79 Realignment Project was released for public review on February 8, 2013. The MCP/SR-79 interchange is shown in Figure 2.2-27c, Phase 3 SR-79 Construction Phasing, 20-Year Design Horizon, in that Draft EIR/EIS, and all impacts to biological resources within the SR-79 footprint, including the overlapping areas of the MCP project, are included in the project impact area for the SR-79 project, and all those impacts are disclosed in the Draft EIR/EIS for that project.

In summary, because the impacts to water bodies within the footprint of the MCP/SR-79 interchange will be permanent impacts and will occur as a result of the SR-79 Realignment Project and prior to the construction of the MCP project, and these

impacts have been considered in the cumulative impacts of the MCP project, no further analysis for these water bodies is necessary for the MCP project. Based on the Draft EIR/EIS for the SR-79 realignment project (February 2013), impacts to wetlands and other water resources will be mitigated as part of the SR-79 project based on implementation of the following measures in that Draft EIR/EIS:

- BIO-34** Mitigation of Impacts to Water Features (including drainage ditches and seasonal wetlands) (page 3-521 in the Draft EIR/EIS for the SR-79 realignment project)
- WQ-1** Construction Best Management Practices in Compliance with Project Planning and Design Guide (PPDG), Storm Water Management Plan (SWMP), Storm Water Pollution Prevention Plan (SWPPP), and Standard Special Provisions (page 3-310 in the Draft EIR/EIS for the SR-79 realignment project)
- WQ-4** Treatment BMPs (page 3-312 in the Draft EIR/EIS for the SR-79 realignment project)
- WQ-5** Dewatering Permit (page 3-312 in the Draft EIR/EIS for the SR-79 realignment project)
- BIO-28** Environmentally Sensitive Area Fencing (page 3-517 in the Draft EIR/EIS for the SR-79 realignment project)
- BIO-29** Onsite and Offsite Drainage Facilities in the Project ROW (page 3-518 in the Draft EIR/EIS for the SR-79 realignment project)
- BIO-30** Maintenance of Constructed Storm Water Systems (page 3-518 in the Draft EIR/EIS for the SR-79 realignment project)
- BIO-31** No Erodible Materials Deposited in Watercourses (page 3-518 in the Draft EIR/EIS for the SR-79 realignment project)
- BIO-32** Ongoing Monitoring and Reporting (page 3-518 in the Draft EIR/EIS for the SR-79 realignment project)
- BIO-33** Modification of the Project Design to Construct a Gravity-Based Surface Water Diversion System (page 3-518 in the Draft EIR/EIS for the SR-79 realignment project)

IP-4-10

This comment summarizes Waterkeeper concerns requesting additional analysis of the proposed best management practices (BMPs). Please refer to the responses to

comments IP-4-11 through IP-4-14, below, for the responses to the Waterkeeper comments regarding that concern.

IP-4-11

The process for the selection and assessment of the proposed BMPs including infiltration basins is documented in the *Storm Water Data Report* (SWDR, October 2011). The SWDR was prepared consistent with the *California Department of Transportation (Caltrans) Storm Water Quality Handbook: Project Planning and Design Guide* (PPDG) to implement the requirements of the Caltrans Statewide MS4 permit. The PPDG provides guidance on the process and procedures for evaluating project scope and site conditions to determine the need for and feasibility of incorporating BMPs into a project, and also provides design guidance for incorporating those storm water quality controls into projects during the planning and design phases. The results of that process for the MCP project were presented in the Project Approval/Environmental Documentation (PA/ED) phase SWDR, which is the technical report supporting the *Water Quality Assessment Report* (WQAR, August 2011). Detailed information regarding the BMP design concepts, such as location selection and sizing, is provided in the *Draft Preliminary Drainage Report* (March 2011) and the SWDR.

The proposed locations for the basins were determined based on the highs and lows of the engineered topography, and the sizing was determined based on the estimated volume of water generated in that area and the footprint parameters of the basin. Each basin is a subsidiary of these areas. The SWDR indicates these basins will infiltrate, and were determined by approved Caltrans calculation methods. The drawdown rate parameter used was 48-hours. The SWDR states indicates the depth to groundwater is 29 to 348-feet, which is well below established Caltrans separation parameters. Each basin has an established water quality volume, so any overflow would be in excess of that volume. Engineered overflow devices will be designed in the plans, specifications, and estimates project phase. During the environmental project phase, the SWDR was developed using the Riverside County Flood Control and Water Conservation District Hydrology Manual (January 3, 2011) to determine the soil conditions. The Caltrans software program used to calculate infiltration includes soil amendment parameters to help increase infiltration.

The preliminary evaluation of the site soils is documented in the SWDR. Infiltration of storm water runoff is the primary goal in the incorporation of BMPs as documented in the SWDR. Based on the information for the BMPs available at this time, and the Caltrans approved methods and calculations, the proposed BMPs are

considered to be feasible. Measure WQ-3 on page 3.10-39 of the Final EIR/EIS discusses how these BMPs will be developed and implemented in accordance with the Caltrans Storm Water Management Plan and the Storm Water Quality Handbooks, Project Planning and Design Guide. The proposed biofiltration basins (or detention basins) will target pollutants of concern from transportation facilities to ensure that water quality standards are not violated, resulting in a conclusion that impacts to water quality would not be significant under CEQA.

The construction of State (Caltrans) highway facilities is regulated under the *National Pollutant Discharge Elimination System (NPDES) Permit, Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation Order No. 2012-0011-DWQ, NPDES No. CAS000003* (Caltrans MS4 Permit). The construction of local highways in Riverside County is regulated under the NPDES Permit for Waste Discharge Requirements for the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Incorporated Cities of Riverside County within the Santa Ana Region (Order No. R8-2010-003, NPDES No. CAS618033 (Riverside County MS4 Permit). At this time, it is anticipated that Caltrans would be the owner/operator of the MCP facility if it is a state highway and, as a result, the MCP Build Alternatives were developed consistent with the Caltrans design guidelines. If the MCP is not adopted as a state highway and is designated a local highway, the permit conditions of the Riverside County MS4 permit, potentially including pretreatment requirements, would apply to the MCP facility. In that event, during final design, the BMPs included in the project would be refined to meet the requirements of the Riverside County MS4 permit. Please see Measure WQ-3 on page 3.10-39 of the Final EIR/EIS. Measure WQ-3 explains the process that will be followed to refine the BMPs proposed in the Recirculated Draft EIR/Supplemental Draft EIS into the final BMPs that will be developed during final design to ensure that water quality standards are not violated.

The project design will comply with the requirements of the Caltrans MS4 Permit (or the Riverside County MS4 Permit) and the PPDG. The Caltrans design guidance for infiltration basins includes consideration of pre-settling basins to increase infiltration capacity. Regardless, the basins identified in the Recirculated Draft EIR/Supplemental Draft EIS have sufficient capacity to treat the additional runoff generated by the MCP project. The effectiveness of the BMPs was documented in Tables 3.10.E through 3.10.J of the Recirculated Draft EIR/Supplemental Draft EIS which showed the net reduction in constituents of concern with implementation of the BMPs including total suspended solids, phosphate, nitrate, copper, lead, and zinc.

Table 3.10.L on page 3.10-34 lists specific sediment control BMPs that would be implemented during construction of the MCP. The selection of BMP locations and the BMP design are consistent with the requirements of the PPDG.

A preliminary evaluation of the site soils was conducted as documented in the SWDR. The soil groups in the project area are primarily Group B and Group C. Within the San Jacinto River the soil is classified as Group D. Group B soil is considered to have good infiltration potential. Group C soils have low infiltration rates, and Group D soils have very low infiltration rates. As the MCP project moves forward, more tests, such as soil hydraulic conductivity, may be conducted to obtain additional data for the BMP design. As noted above, based on the information for the BMPs available at this time and the professional judgment of the design engineers, and the fact that infiltration basins can be implemented wherever infiltration is greater than 20 percent, the proposed BMPs are considered to be feasible.

The Caltrans design guidance for infiltration basins includes consideration of soil amendments to increase infiltration capacity. As discussed on page 3.10-18 in the Final EIR/EIS, if it is determined during final design that soil conditions at the location of a proposed BMP are not appropriate for infiltration, the proposed infiltration basin at that location would be substituted with a detention basin. Although detention basins do not remove the same range of pollutants as infiltration basins, post-project conditions would be improved compared to existing conditions because most runoff is currently untreated along Ramon Expressway and the BMPs will treat runoff from the new impervious surface area as well as from part of the existing pavement.

IP-4-12

As noted above and discussed on page 3.10-18 of the Final EIR/EIS, if it is determined during final design that soil conditions at the location of a proposed BMP are not appropriate for infiltration, the proposed infiltration basin at that location would be substituted with a detention basin. Although detention basins do not remove the same range of pollutants as infiltration basins, post-project conditions would be improved compared to existing conditions because most runoff is currently untreated along Ramona Expressway and the BMPs will treat runoff from the new impervious surface area as well as from part of the existing pavement. A preliminary evaluation of the site soils was conducted as documented in the SWDR. As noted above, the soil groups in the study area are primarily from Group B and Group C. Within the San Jacinto River the soil is classified as Group D. Group B soil is considered to have good infiltration potential. Group C soils have low infiltration rates, and Group D

soils have very low infiltration rates. Because infiltration basins would be implemented wherever soil is appropriate (infiltration greater than 20 percent), and the majority of the soils in the study area have good infiltration potential, it is anticipated that infiltration basins will be feasible at most proposed BMP locations. Based on the information from the SWDR for the BMPs available at this time, and the Caltrans approved methods and calculations, the majority of the proposed infiltration basins are considered to be feasible. Therefore, the replacement of a few infiltration basins with detention basins would not substantially change the conclusions in the Final EIR/EIS. The comment asserts that detention basins do not treat storm water. However, detention basins are designed to target pollutants of concern in storm water runoff, including total suspended solids, nutrients, particulate metals, litter, and turbidity. Although detention basins do not specifically target pathogens, as stated on page 3.10-31 in Section 3.10.3.1, pathogens are not a constituent of concern from roadway facilities. As discussed in the California Project Planning and Design Guide, sources of pathogens include animal droppings, illicit sewer connections, and seepage from septic tanks. Because runoff in the project area is currently untreated, post-project conditions would improve water quality compared to existing conditions. Because infiltration basins can be implemented wherever infiltration is greater than 20 percent, it is anticipated that the majority of the infiltration basins will be feasible at the proposed BMP locations. However, if infiltration basins are found to be infeasible, they will be replaced with detention basins which also target pollutants of concern from roadway runoff. The design of detention basins included in the MCP project, including drawdown rate, will comply with the requirements of the Caltrans MS4 Permit and the PPDG and will be assigned to target pollutants of concern from roadway runoff. Compliance with the drawdown time requirement allows water to remain in the detention basin for a sufficient amount of time to achieve pollutant removal. The BMPs will be sized based on the Santa Ana Regional Water Quality Control Board sizing criteria of 0.20 inches per hour of precipitation and the resulting runoff from the contributing drainage area. In addition, the BMPs will be designed to include a bypass or an overflow device to convey peak discharge from larger storm consistent with Section 861.3 of the Highway Design Manual. The SWDR also discussed the feasibility of using sand filters, which was eliminated due to potential insufficient hydraulic pressure. The current PPDG does not require providing BMP treatment trains. Therefore, having a sand filter at the outlet of the detention basins is not required, nor is it a requirement for a detention basin to be feasible. In addition, the comment states that sand filters are necessary because detention basins do not treat storm water runoff. However, as detailed in the

Caltrans PPDG, detention basins are designed to target pollutants of concern from highway runoff. Therefore, pretreatment with sand filters is not necessary to achieve treatment of storm water runoff.

IP-4-13

The biofiltration swales identified for the MCP project are recommended as post-construction treatment BMPs and not BMPs during construction. During construction, the Construction Contractor will be required to implement construction BMPs. The anticipated construction BMPs are summarized in Table 3.10.L, page 3.10-34, in the Final EIR/EIS. As shown in that table, the anticipated construction BMPs do not include biofiltration swales. A preliminary evaluation of the site soils was conducted as documented in the SWDR. The soil groups in the project area are primarily Group B and Group C. Within the San Jacinto River the soil is classified as Group D. Group B soil is considered to have good infiltration potential. Group C soils have low infiltration rates, and Group D soils have very low infiltration rates. The BMPs will be designed consistent with the requirements of the most current PPDG, which does not require soil testing for installing bioswales because they do not rely on infiltration for stormwater treatment.

IP-4-14

The final design of the MCP project will include the final design of the permanent BMPs. Refer to the response to comment IP-4-11, above, and Measures WQ-1, WQ-2, and WQ-3 (starting on page 3.10-36 in the Final EIR/EIS) for discussion regarding the potential owners/operators of the MCP facility and which NPDES permits would apply under Caltrans and RCTC as owners/operators. The funding for the maintenance of BMPs will be the responsibility of the eventual owner of the MCP facility.

The following was added as the last paragraph in Measure WQ-5 in Section 3.10, Water Quality and Storm Water Runoff, in the Final EIR/EIS related to long-term maintenance and management of the permanent BMPs included in the MCP project:

“During final design of the MCP project and the permanent BMPs included in the MCP project, the Project Engineer will develop a maintenance manual to identify maintenance and management tasks related to the permanent BMPs including how and when the BMPs will be cleared of sediment and other material, and the long-term maintenance of the required vegetation coverage within and immediately adjacent to the BMPs. That manual will be consistent with Caltrans SWMP and the procedures in the *Storm Water*

*Quality Handbooks, Project Planning and Design Guide for
implementing Design Pollution Prevention and Treatment BMPs.”*

Based on the information for the BMPs available at this time, and the Caltrans approved methods and calculations, the proposed BMPs are considered to be feasible.

IP-4-15

This comment suggests the cumulative impacts of all projects occurring in the San Jacinto River Watershed must be considered as required by the California Environmental Quality Act (CEQA). The comment further notes that improvements to three other regional thoroughfares (Cajalco Road, Interstate 215 [I-215], and SR-79), the World Logistics Center, and other future commercial and residential development would result in increased construction and traffic, and cumulative impact to water quality and wetland health impacts in the San Jacinto Wildlife Area, the San Jacinto River watershed, and the surrounding region.

As discussed on page 3.25-5 of the Recirculated Draft EIR/Supplemental Draft EIS, water quality was not a resource of concern for cumulative impact analysis because all infrastructure and land development projects (including those listed in this comment) must comply with NPDES requirements and implement BMPs. Measures WQ-1 through WQ-2, starting on page 3.10-36 in the Final EIR/EIS, require compliance with existing water quality permits during project construction and operations. As discussed in the subsection titled “IX. Hydrology and Water Quality” starting on page 4-60 in Chapter 4, California Environmental Quality Act Evaluation, the MCP Build Alternatives would result in less than significant impacts with implementation of those mitigation measures related to water quality under CEQA. The subsection titled “Potentially Significant Impact (XVIII.b) starting on page 4-121 in Chapter 4 indicates that the MCP Build Alternatives would not contribute to cumulative adverse impacts under CEQA related to water quality.

Although a cumulative impacts analysis is required in an EIR, the discussion of cumulative impacts in an EIR need not provide the same level and detail as is provided for project-specific effects (*CEQA Guidelines*, Section 15130(b)). A lead agency is not required to provide evidence supporting every fact underlying the EIR’s discussion of cumulative impacts nor is an exhaustive analysis required (*Association of Irrigated Residents versus County of Madera* (2003) 107 Cal. App. 4th 1383, 1404). The evaluation of cumulative impacts in an EIR need not be exhaustive and need only provide such information as is necessary for informed decision-making. Consistent with those requirements of CEQA, the Final EIR/EIS for the MCP project discusses the potential cumulative impacts of the proposed project for all environmental issues

including traffic, water quality, and biological resources. The cumulative impact analysis considered the cumulative projects shown on Figure 3.25.1 on page 3.25-7 and as discussed in Section 3.25.4, Identification of Cumulative Projects, on page 3.25-16 in the Final EIR/EIS.

As discussed in the subsection titled “Water Quality” on page 3.25-13 in Section 3.25, Cumulative Impacts, in the Final EIR/EIS, “...the MCP project would not result in adverse effects to water quality. Cumulative land use and transportation projects would be required to comply with National Pollutant Discharge Elimination System (NPDES) requirements and to implement water quality Best Management Practices (BMPs) at the time of development and, therefore, would not contribute to a cumulative adverse effect to water quality.” Furthermore, as noted in the subsection titled “Hydrology and Floodplains” on page 3.25-6 (revisions shown in italics), “...although the MCP project would encroach on floodplains, it would result in a minimal change in the capacity of the San Jacinto River and the Perris Valley Storm Drain to carry water. Cumulative land use and transportation projects would comply with the San Jacinto River Area Drainage Plan (Riverside County Flood Control and Water Conservation District, 1987), as well as the applicable Riverside County and Cities of Perris and San Jacinto General Plan safety policies to reduce flooding and ensure the storm drain systems have sufficient capacity to accommodate any increase in storm flows due to increased impervious surfaces and runoff. *In addition, the local jurisdictions review all projects on a case-by-case basis to ensure that sufficient local and regional drainage capacity is available.* Therefore, the MCP project would not contribute *substantially* to cumulative adverse effects related to hydrology and floodplains.”

The subsection titled “Traffic and Transportation” on page 3.25-13 in Section 3.25 indicates that (revisions shown in italics) “...the MCP project would not result in adverse effects to traffic circulation in the MCP study area, except for short-term effects during construction. The MCP project would have a beneficial effect by improving regional and local mobility. The analysis of future traffic conditions in the 2040 design year is a cumulative analysis in that it considers traffic generated by *future planned land uses and the effect of future planned transportation improvements that were accounted for in the RIVTAM traffic noted in 2011, which is when the traffic model was run. Of the transportation and land development projects noted in this comment, only the World Logistics Center was not included in the MCP traffic forecasts, because the NOP for the World Logistics Center development was issued by the City of Moreno Valley in February 2012.*” The transportation facilities

included in the traffic modeling for the MCP project, based on the 2008 RTP, are summarized in Table IP-4-1 for Opening Year 2020 and the Horizon Year 2040.

The Draft EIR for the World Logistics Center included the MCP facility in its circulation system assumptions for the year 2022 traffic analyses with and without the World Logistics Center. As discussed that traffic analysis, the World Logistics Center would contribute to cumulative impacts on a number of freeway and road segments and intersections/interchanges (with the MCP project included in the circulation system), including some located in the MCP study area. Nonetheless, because the MCP would have a beneficial effect on regional and local mobility, it would not contribute to cumulative adverse traffic impacts even when the adverse effects of the World Logistics Center are considered.

Cumulative analysis for biological resources, including impacts to wetlands, was also discussed in Section 3.25 in the Final EIR/EIS. As discussed in the last paragraph in Section 3.25.5.8, Wetlands and Other Waters, on pg. 3.25-44, "...the guidelines in the Western Riverside County MSHCP include design criteria that avoid and minimize impacts to sensitive habitats known to occur in the vicinity of planned development and planned roadways, including riparian and riverine environments. Impacts to wetlands and other waters would be reduced to less than significant levels under CEQA due to the features incorporated into the MCP project that are provided pursuant to the requirements of the MSHCP and the additional mitigation measures included in the MSHCP EIR/EIS. The conclusions above are consistent with the conclusions of the MSHCP EIR/EIS." Furthermore, as noted in the last paragraph in the subsection titled "Build Alternatives" on page 3.25-48, "...the cumulative projects

Table IP-4-1 Mid County Parkway Traffic Analysis Regional Roadway Network Assumptions

Roadway ¹	Limits	2020 Lane Geometry Assumptions ²	2040 Lane Geometry Assumptions ³
I-15	I-215 to SR-74	6 MF + 2 HOV	6 MF + 2 HOV
	SR-74 to SR-91	8 MF + 4 EXP	8 MF + 4 EXP
	SR-91 to SR-60	8 MF + 4 EXP	8 MF + 4 EXP
I-215	I-15 (Temecula) to Nuevo Road	6 MF ¹	6 MF
	Nuevo Road to SR-60 (Moreno Valley)		6 MF + 2 HOV
	SR-60 (Moreno Valley) to SR-91	6 MF + 2 HOV ²	6 MF + 2 HOV ¹
SR-91	I-215 to I-15	6 MF + 2 HOV	6 MF + 2 HOV
	I-15 to Orange County Line	10 MF + 4 EXP	10 MF + 4 EXP
SR-60	I-10 to Gilman Springs Road	4 MF + EB Truck Lane	4 MF + EB Truck Lane
	Gilman Springs Road to Perris Boulevard	4 MF	4 MF
	Perris Boulevard to I-215	4 MF + 2 HOV	4 MF + 2 HOV

Table IP-4-1 Mid County Parkway Traffic Analysis Regional Roadway Network Assumptions

Roadway ¹	Limits	2020 Lane Geometry Assumptions ²	2040 Lane Geometry Assumptions ³
SR-79	Domenigoni Parkway to Gilman Springs Road	4 MF Expressway	4 MF
I-15/SR-91	Interchange	Add NB-WB, EB-SB EB-NB, and SB-WB EXP Connectors	Add NB-WB, EB-SB EB-NB, and SB-WB EXP Connectors
Cajalco Road	I-215 to I-15	4 MF (Arterial)	6 MF (Arterial)
CETAP Corridor	I-215 to I-15	Not included in network	Not included in network ²
Corridor A	I-215 to SR-241		4 EXP

Source: Table 2-1 in the *MCP Traffic Technical Report* (2012).

¹ All roadways are freeways except Cajalco Road and SR-79.

² All 2020 assumptions are based on the SCAG 2008 Regional Transportation Plan, with amendments, except as clarified below:

- The SCAG 2008 RTP indicates a lane geometry of 6 MF + 2 HOV from SR-60 to Nuevo Road by 2020, but RCTC is planning to extend this improvement to beyond 2020.
- Includes southbound truck lane south of University in addition to the lanes indicated.
- For the MCP study, the SR-79 Realignment Project was assumed to include a four-lane expressway from Domenigoni Parkway to Gilman Springs Road with grade-separated interchanges at Ramona Expressway, SR-74/Florida Avenue, and Domenigoni Parkway based on RCTC's current plans for SR-79.

³ All 2040 assumptions are based on SCAG 2008 Regional Transportation Plan, with amendments. Includes southbound truck lane east of University in addition to the lanes indicated. The SCAG 2008 Regional Transportation Plan includes implementation of a new limited access facility in the CETAP corridor between I-15 and I-215, but it was not assumed to be in place for the Mid County Parkway traffic study in order to provide a conservative analysis.

EXP = Express Lanes (HOV/Toll)

HOV = High-Occupancy Vehicle Lanes

MF = Mixed Flow Lanes

shown in Figure 3.25.1, including the SR-79 Realignment Project, would be subject to similar mitigation requirements as the MCP project. Because each cumulative project would be required to replace impacted wetlands and nonwetland waters, additional mitigation for cumulative effects of the MCP project is not warranted.”

Based on the cumulative analyses provided in the Final EIR/EIS and summarized above, the level of detail in the cumulative impact analyses is sufficient to understand the potential for cumulative impacts in the San Jacinto River Watershed, and the level of detail included in that analysis is sufficient to comply with the requirements of CEQA.

Please also refer to the response to comment IP-6-133 later in this report for a detailed discussion of the potential effects of the World Logistics Center (based on the February 2013 Draft EIR for that project) and analysis of whether the effects of the World Logistics Center, when considered with the effects of the MCP and other cumulative projects, would change the conclusions in the MCP EIR/EIS regarding the potential of the MCP project to contribute to cumulative effects. Based on the

analyses summarized in Table IP-6-133, the inclusion of the effects of the World Logistics Center in the cumulative impacts analysis would not change the conclusions in the MCP EIR/EIS regarding cumulative impacts related to consistency with local, regional, and state plans; growth; farmlands/timberlands; community impacts/relocations; traffic and circulation; visual/aesthetics; cultural resources; paleontology; air quality; health risk; noise; natural communities; wetlands and other waters; plant species; animal species; threatened and endangered species; and climate change.

IP-4-16

This comment summarizes Waterkeeper concerns described in detail in this comment letter. Please refer to the responses to comments IP-4-2 through IP-4-15 for the responses to the individual Waterkeeper comments regarding those concerns. With regard to the request in this comment for RCTC to "...develop a more comprehensive risk analysis and mitigation plan before the Final EIR/EIS is issued...", the analysis of impacts to the San Jacinto River watershed presented in this Final EIR/EIS discloses the risks associated with construction and operation of the MCP project. The mitigation plan for the project is presented in Appendix F, Environmental Commitments Record, of this Final EIR/EIS.

EDWARD J. GOEPPINGER

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 March 26, 2013

RECEIVED
 MAR 27 2013

RIVERSIDE COUNTY
 TRANSPORTATION COMMISSION

Ms. Cathy Bechtel, RCTC
 P.O. Box 12008
 Riverside, CA 92502

Subject: Comments on Mid County Parkway Project-Alternative #5

Dear Cathy,

The "Rider Street" option #5 impacts six lots of interest. In the following discussion I will provide my reaction to the proposed Parkway for each property.

1. Ownership: Perris Business Park, LLC.

APN: 303 293 006; 303 293 005 constituting the prime 2.6 acre corner lot of the subdivision with major arterial traffic flow on Perris Blvd and Rider Streets. The costs of widening Rider and moving electrical lines were enticements to gain a high visibility corner property. The proposed taking, in the event Alternative 5 is favored, of these two properties is not contested. We only ask for the full recognition of the value of these choice corner lots in your assessment.

APN: 303 275 037 is a remnant of the original subdivision and should be included with #1 above.

2. Ownership of Redir, LLC

APN: 303 130 021 is a 2.07 acre parcel fronting on Rider St. The proposed dead ending of Rider St. and the elimination of a connection to Johnson Dr. makes the property undesirable and not capable of supporting its original highest and best use. The City of Perris and the property owner to the north of this property have tentatively agreed to vacate Monterey Lane, leaving the subject property without any circulation.

APN: 303 130 022 and 303 130 013 totaling 1.53 acres fronts on Rider St. and is bisected by Redlands Blvd. These properties would be severely impacted by the loss of traffic for an industrial/commercial property. Its use would be relegated to some form of outdoor storage or other use not requiring easy customer access. With the loss of traffic on Rider Street, the awkward alignment of Redlands Blvd. may not be necessary and the two lots could logically be joined together again. This would restore Redlands Blvd. to its original alignment. The loss of Monterey Lane again impacts the circulation and hence the usability of this property. The severely restricted use of lots on a dead-end

IP-5-1



street must be recognized as a down zoning and a change in the highest and best use.

↑ IP-5-1

Your recognition of these factors in your evaluation of the alternate alignments of the Mid County Parkway will be appreciated. Let me know if you require further information about these properties.

Very truly yours,



Edward J. Goepfinger, member
Perris Business Park, LLC
Redir, LLC

PBP:MIDCOUNTYPARKWAYRESPONSE

This comment letter includes introductory and other information that does not raise specific environmental issues that would require a response under Section 15088 of the State CEQA Guidelines. As a result, those parts of this comment letter were not bracketed, and no responses were provided related to those sections of the letter. However, RCTC has reviewed and responded to all the substantive comments in this comment letter and determined that the sections of this letter that were not bracketed did not make substantive comments that required substantive responses.¹

IP-5-1

As discussed on page 2-98 in Section 2.5.5, Identification of the Preferred Alternative in the Final EIR/EIS, Alternative 9 Modified with the San Jacinto River Bridge Design Variation was identified as the preferred alternative. The parcels discussed in this comment letter are not within the anticipated right of way limits for Alternative 9 Modified and, therefore, would not be acquired for the MCP project. As a result, there would be no project impacts to these parcels.

¹ Section 15088(a) of the CEQA Guidelines notes that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” As noted above, the parts of comment letters that did not raise specific environmental issues are not bracketed as individual comments and responses to those part of the comment letters are not provided.

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